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Military Justice: LEARNING FROM THE GREEN BERETS

EDWARD F. SHERMAN

Modern Biology: A Terrifying Power

S. E. LURIA

Operation Sisyphus: WET BACKS, GROWERS & POVERTY

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REVOLUTION

Jonathan Mirsky on the NLF

Emile Capouya on China

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LETTERS

money back religion

New York City

DEAR SIRS: I read the article "Scientology: Total Freedom and Beyond" by Donavan Bess in your Sept. 29 issue. I found it quite agreeable and in parts rather amusing. Despite Mr. Bess's left-handed portrayal of the church's founder and laborious conceptions of the road to Clear, the unique character of our young religion came through.

The story of Scientology is really simple. As Dr. S.W. Jarvis, an English G.P., put it, "It is quickly told. (*1*) L. Ron Hubbard develops a philosophy about life and death; (*2*) people find it interesting; (*3*) people find it works; (*4*) people pass it along to others; (*5*) it grows—and continues to grow."

We really don't want anyone to believe our claims—a lot of claims are made and I think we have all had our share of disappointments. Our position is: Try it—if you don't feel you have gained, you are free to leave with an unconditional and full rebate . . . . Yours in God.

Rev. Kenneth J. Whitman
Minister of Public Relations

GIs for peace

DEAR SIRS: Many GIs on military reservations are eager to participate in the massive peace marches to be held Nov. 15 in San Francisco and Washington, D.C., but they need transportation. Funds are being sought to charter buses. We ask your readers to show their support by sending their contributions to New Mobilization/Operation Transport: 555 North Western Ave., Los Angeles, Calif. 90004, or 1029 Vermont Ave., N.W., Suite 900, Washington, D. C. 20005.

Donald Duncan,
Van Nuys, Calif.

Roger Lee Priest, U.S.N.
Journalist Seaman Apprentice
Washington, D. C.

Mr. Duncan is a former Green Beret, active in the anti-war movement. Mr. Priest is an active duty sailor who is currently awaiting court-martial for his publication of an "underground" GI newspaper.

the mocker mocked

Brooklyn, N. Y.

DEAR SIRS: Bitter irony and tragedy! If Roy Cohn is convicted and destroyed, it will be due largely to the reprehensible and prejudicial technique of "purchased criminal-informer testimony," which he perfected and employed, as special assistant prosecutor, to obtain the convictions and executions of Julius and Ethel Rosenberg.

Cohn's current defense must rest on establishing the unfairness of such "purchased accomplice testimony," showing how it makes a mockery of justice. A jury which acquitted Cohn would, in effect, be finding him guilty of "legal murder," having made a mockery of justice in the Rosenberg-Sobell case.

Aaron Katz

none so blind

New York City

DEAR SIRS: The Pentagon chooses to interpret the present lull in Vietnamese hostilities (U.S. casualties in the first week of October were the lowest in three years), not as a political signal but as evidence that the North is preparing a new major attack. The only signal that Nixon, Laird and Bunker are watching for is a white flag over Hanoi.

Robert Little

EDITORIALS

The Three-Day Travesty

During the first three days of October, Congress reached a new abyss in representative government. Some 10 million Americans are afflicted with hunger or chronic malnutrition; 20 million Americans live in substandard housing. Yet in those three days the United States House of Representatives went through the motions of debating (at the rate of $5.3 billion per hour of general debate) and then passed a military authorization bill of $21.3 billion. This was $1.3 billion greater than the comparable bill passed in the Senate after two and a half months of debate, and nearly $500 million more than the Department of Defense had requested. Bearing in mind that a recent Gallup poll indicated that a majority of the American people feel the military budget is too large, the primary conclusion that can be drawn from this charade is that the military budget is nowadays the largest pork-barrel legislation in the history of the country—and, of course, of the world.

While the size and scope of the new authorization is outrageous when matched against the domestic needs of the country and the burdens of the taxpayers, the blatant stifling of the dissenting minority voices by the House Armed Services Committee should make thoughtful citizens wonder whether the lower House of the Congress, in its present form, represents the interests of the country in any way at all. The following incidents, which occurred during the three-day travesty, suggest that it does not.

¶The House Armed Services Committee, which had been conducting hearings on military posture since March 13, 1969, did not furnish its hearings (2,666 pages) to the House membership until three days before the debate began. A report explaining the $21.3 billion bill on which the Representatives were to vote was not available to them until two days before the bill was brought up on the floor.

¶The House Armed Services Committee, led by its master, Rep. Lucius Mendel Rivers, staged a display of histrionics which spanned a range from childish petulance to sneering innuendo. Early in the proceedings, Rivers questioned the propriety of "dignifying these amendments with debate." When Rep. Jonathan Bingham (D., N.Y.) attempted to discuss an amendment to delete production funding of the Navy's F-14 airplane, Rivers drawled, "We cannot be serious about this. Why do you want to take any more time on this? Why not just vote on this and get it out of the way?" When Rep. Richard L. Leggett (D., Calif.) introduced an amendment to decrease funds and slow progress on the advanced manned strategic aircraft (AMSA) because Defense had admitted that the Soviets were not building long-range bombers, Rivers produced his own Russian threat, but refused to discuss it. Defiantly he stated: "I will not discuss the AMSA. I will not discuss with you what the Russians have. On my own responsibility I tell you the Russians are building a bomber. You can take it or leave it." On the question of further procure-

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ment of the Cobra armed helicopter, Rivers roared out in his demagogic style: "We need those Cobras more than we need breath itself." One visitor to the gallery shook his head and muttered, "Surely the American people deserve more than this."

¶At the instigation of the Armed Services Committee, debate on the amendment to trim back to the Senate level a new and incredibly expensive continental air defense system was the height of absurdity. Rep. Henry Reuss (D., Wis.) was allotted 45 seconds in which to explain his amendment. If this program is funded, it will mean tens of billions of dollars in future expenditures. Rep. Otis G. Pike (D., N.Y.) later attempted to introduce an amendment which will remain lost to history because his whole 45-second allotment was spent attempting to find out how much time he had. It was this shocking maneuver that infuriated many members and caused Rep. Andrew Jacobs, Jr. (D., Ind.) to thunder, "Shame! Shame on this House!"

¶The C-5A program, which had for a year gained national notoriety, was voted on with humiliating dispatch. Rep. William Moorhead (D., Pa.), who had studied the C-5A for a year as a member of the Joint Economic Committee, was given 75 seconds to explain why additional planes should not be acquired.

¶A number of amendments that had been passed overwhelmingly by the Senate—amendments dealing with defense contractor reporting to the government and studies to determine contractor profits—were defeated. The contractor profit study stood a chance of passing. To prevent that, the Armed Services Committee introduced a separate amendment to delete the whole section of the bill that was being amended. In discussing the impending doom of his profitability study amendment, Representative Jacobs admonished his colleagues, "My, my, my, how badly, how badly some do not want to talk about studying the profits of defense contractors." One by one, the House members voted amendments down in ever more rapid succession. It was late Friday afternoon and the weekend beckoned.

¶Virtually all votes on these amendments were by division or teller. Thus, the Congressmen could satisfy the watchful eyes of the Armed Services Committee members and not have to worry about the constituents at home. There is no way for the public to know how they voted.

With the debate almost over, Rivers launched into a a bitter personal attack on Representative Leggett, one of the five dissenting members of the Armed Services Committee, who had attempted to introduce at least a modicum of debate on the $21.3 billion. This diatribe, like many of his other more intemperate statements, was subsequently deleted and cannot be found in the printed *Congressional Record*.

Many Representatives seemed almost totally oblivious to the growing malaise, the rising dissent and the increasing dissatisfaction outside their insular chamber. There was no meaningful debate, and basic questions of national priorities remain unanswered. The members of the House undoubtedly feel relieved: the ordeal is over—for this year at least—and their individual anonymities remain secure. Perhaps some of the more imag-

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inative legislators shuddered slightly over the statement by one of their colleagues that if the American people became aware of this performance, 80 per cent of the House probably would be seeking new employment next year.

High Cost of Nostalgia

The price for taking the battleship *New Jersey* out of mothballs, sending her to Vietnamese waters for a month, and then putting her back in mothballs was about $100 million. What's $100 million? In *The New York Times* (October 8) a physician protesting against the SST project compares its cost with that of a research center for the treatment of burns which is being disbanded because the government feels that it must save $250,000. Using the same yardstick, the *New Jersey* episode would pay for 400 such centers. "How shall we account to our children for this set of values?" the doctor asked.

That leads one to ask why the *New Jersey* was exhumed. Lee Dye gives the answer in the *Los Angeles Times* (September 29). Initially at least, it was chiefly a matter of sentiment. In the summer of 1966, in San Diego—where retired admirals and lesser Naval personnel abound—a group of such pensioners met to recall the past. The common bond was that they had all served on battleships, and their forgathering was as natural, and seemingly as harmless, as the annual meeting of the survivors of the great Northeastern blizzard of 1888. In the end, though, it poured $100 million down the drain.

The principal speaker, Marine Corps Brig. Gen. James D. Hittle, now Assistant Secretary of the Navy for manpower and reserves, delivered an eloquent address to the old sailors. Don't memorialize the battleship, was his plea, put it back into combat. The American Battleship Association did just that.

The Chief of Naval Operations deplored the venture, but he was circumvented. Secretary of Defense Robert McNamara was initially opposed, but the Under Secretary of the Navy (the office of Secretary was vacant at the time) requested authority to reactivate, not mentioning the views of the CNO. The American Battleship Association had mailed 6,000 pieces of literature urging recipients to write to their Congressmen. Within the Navy there was a great deal of professional opposition, but external pressure was heavy and, perhaps most important of all, Sen. Richard B. Russell, chairman of the Senate Armed Services Committee, was in favor. Anyway, the cost of reactivation was to be only $23 million.

The equipment of the *New Jersey* was modernized, some retired Navy men were recalled to active service because no one else knew how to manage 16-inch guns, and an old Navy gun factory in Idaho was put back in service to make thirty-three spare barrels, which were shipped to the Far East at a cost of $60,000 each. By the time the 45,000-ton warship was ready for combat, the cost of reactivation had mounted to $50 million.

She was recommissioned at Philadelphia on April 6, 1968, and left for Long Beach, Calif., stopping at way ports where great crowds viewed her and the Navy public relations officers had field days. Finally she cruised off the coast of Vietnam, firing at suspected hostile installations on both sides of the demilitarized zone. But after a month the bombing of North Vietnam was halted, and this target practice ended. The *New Jersey* hung around South Vietnam for a while, but there was nothing for her to do and she was sent home into retirement. It had cost a lot—$100 million is probably a conservative figure—but the battleship buffs had had one more moment of ecstasy, before they too go permanently into mothballs.

Lockheed and the SEC

Nearly a year ago, the Joint Economic Committee found that the original estimates made by Lockheed on the C-5A jet transport had been exceeded by nearly $2 billion. As part of a general investigation of defense procurement, the committee then zeroed in on the C-5A as a classic example of cost overruns through careless procurement practices and policies. The case against the C-5A is, in fact, perhaps the best documented of any of the systems under attack in the authorization bill which Congress approved this month (see *Congressional Record*, October 2, p. H-8901). During the investigation, Senator Proxmire disclosed that the Air Force had helped conceal the large increased costs to protect Lockheed's $125 million issue of debenture bonds and the price of its stock on the market. Thereafter both Senator Proxmire and Rep. William Moorhead (D., Pa.) requested the SEC to investigate reports that twelve of Lockheed's executives had sold more than $1.1 million of their stock when the trouble over estimates had developed.

Representative Moorhead made no charges; he just released a staff study which correlated stock sales by Lockheed executives with adverse developments in the C-5A program, which did not become public knowledge until some time after they had occurred. Senator Proxmire also requested the Department of Justice to investigate. To date neither the SEC nor the Department of Justice has submitted any reports in response to these requests.

This state of affairs raises several questions. Why has neither agency responded to the requests? More than five months have elapsed. If the investigation is on-going, when will it be completed? If the investigation has been concluded, why has no report been released? Is publication of such a report being delayed until after the military budget has been pushed through Congress? In the recent debate on the military authorization bill an effort was made, by amendment, to withhold funds for procurement of C-5A aircraft beyond the number of fifty-eight (three squadrons) which had been previously authorized. The amendment was rejected. At issue was about $500 million which had been requested

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to manufacture a fourth squadron of twenty-three planes. The authorization measure must now go to conference and the appropriation has yet to be voted, so the issue is still current.

The Nation is informed, on what it regards as excellent authority, that the staff of the SEC has completed a report which the agency has not released. On October 7 the A.B.C. news network reported that a subcommittee chaired by Rep. John Moss had ordered an investigation to determine whether the SEC had expeditiously handled the requests from Senator Proxmire and Representative Moorhead, and also to determine what if any information the agency had uncovered of attempts by Air Force and company officials to cover up a large Lockheed loss until these officials had made sizable stock sales. What disturbs us—and it should disturb Congress—is the pattern of secrecy and concealment which has been part and parcel of the C-5A project since its inception. Prodded by the pending investigation from Representative Moss's subcommittee, the SEC should respond to the requests of Senator Proxmire and Representative Moorhead; and it should respond *now*—not after the appropriations have been voted.

What Makes News?

There is nothing like an unpopular war to bring to the surface a host of issues involving the military that, had the war appealed to the normal patriotic reflexes of the people, might never have emerged. Thus it is that the generals and admirals—mostly the generals in the current situation—are struggling in a bog of unfavorable publicity and disintegrating morale that would have been unthinkable even a few years ago. (See article by Edward F. Sherman, p. 399.)

Among the headlined stories of recent months have been racial disorders at Army and Marine Corps posts, the stockade "mutiny" in San Francisco, the Pendleton brig affair (uncovered by *The Nation*), the whole question of military justice, the question of the civil rights of soldiers, heretofore practically nonexistent, and a series of outright scandals. All of these cases have been given substantial attention in the printed and electronic media; whereas one suspects that, were it not for Vietnam, they would have been run in the back pages, if they were used at all.

The point about most of this unpleasant news is that it is not news. The scandal of the misbehaving sergeants is a case in point. The current Senate inquiry has heard testimony that an investigation had been made from 1964 to 1967 into the activities in West Germany of a group of senior sergeants, including William O. Wooldridge, the first sergeant major in the U.S. Army and one-time recipient of the Distinguished Service Medal (since mysteriously revoked). The investigation had been closed and the report filed only locally. The misdemeanors charged against Wooldridge were on such a scale that normal practice would have indicated a court-martial, either to clear the accused or to disgrace and punish him. There were American newsmen in the Augsburg-Munich area who must have known of the charges, but if anything leaked out to the public it was on an inconspicuous scale. Wooldridge remained in the Army and apparently continued the practices which are now under investigation by the Senate.

One reason for this cover-up within the Army and negligence by the press is said to have been a desire not to embarrass Gen. Harold K. Johnson, now retired, who as chief of staff had selected Wooldridge as sergeant major in July 1966, even while Army investigators were looking into the sergeant's activities. According to current sworn testimony, the internal Army investigations which ended in 1967 concerned the theft of more than $300,000 a year from slot machines in enlisted men's clubs. General Johnson now says he had no knowledge of the investigation until last spring, which would indicate that subordinates, either to spare his feelings or for reasons of their own, concealed from him information vital both to his reputation and to the performance of his duties. The unsavory case of gun dealing by the former provost marshal of the Army, Maj. Gen. Carl C. Turner, later chief U.S. Marshal, also tends to degrade the service.

The media are always looking for news of a type that will build circulation. Normally, the military are immune from the appetite for sensation. By focusing attention on the services, the disaster in Vietnam may be producing an unanticipated, unplanned windfall.

Secrets, Secrets

The first of the underground nuclear shots was detonated on October 2 at Amchitka Island in the Aleutians; it produced no earthquakes or other untoward results. Anyone who regards this as an endorsement of future detonations is pressing his luck and showing his ignorance. The most disconcerting element, however, is the political handling of the affair.

An *ad hoc* panel, under the auspices of the President's Office of Science and Technology, delivered a report on the safety of underground testing on November 27, 1968. The chairman was Dr. Kenneth S. Pitzer, president of Stanford University and a former director of research for the Atomic Energy Commission; the other members were similarly distinguished scientists. The panel observed that in the past small earthquakes had been triggered by large-yield test explosions and concluded that such an explosion might one day set off a severe earthquake, either immediately or after a delay of some time. It might, that is, make a seismic region more seismic, perhaps disastrously so.

The panel pointed out that the public should be informed of this possibility, even though laymen would not be able to assess the risk. Publication of their report would stimulate discussion among seismologists and other scientists, whose views could then be communicated to the public, especially in the areas which might suffer damage or loss of life in the event that heavy test shots did produce earthquakes of dangerous magnitude, or altered the regional stress pattern in such a way that a subsequent natural earthquake would be the more

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dangerous. Obviously no test that has been fired, either in Nevada or the Aleutians, precludes such possibilities.

Instead of releasing the report in time for professional discussion, both the Johnson and Nixon Administrations kept it secret. Dr. Pitzer urged on September 29 of this year that large underground tests should be postponed pending an "open, broad-based review of all aspects of this situation"; his recommendation was ignored. The report was finally released a week before the Aleutian explosion took place, when there was no longer opportunity for evaluation of the hazards. Pitzer told the Senate Foreign Relations Committee that this was the first occasion, to his knowledge, that "an official governmental body has dealt in open session with the policy questions related to large underground nuclear tests."

There may be another reason for the brush-off Pitzer received. The current underground tests are for the purpose of developing ABM bombs. Speaking as an individual, Pitzer pointed out that our massive nuclear armament "is essentially neutralized by that of the USSR. The totality of nuclear weapons of the world hover as a threat to all mankind. Our present array of weapons will deter any rational attack. In my view, we should give a higher priority to our efforts in arms control and in nuclear nonproliferation than to the further refinement of nuclear warheads."

Such views are sharply at variance with the policy of secret decisions secretly arrived at.

High-Level Disaffection

Portland, Ore.

Opposition to the war in Vietnam is no longer confined to the campuses, the streets and meeting halls. It has reached the higher floors and penthouses of the Establishment.

A good deal of the high-power disenchantment with the American adventure does not get into the press, partly because many businessmen are as yet unwilling to be identified with the more militant dissidents, partly because their views might jeopardize current or future government contracts, and partly because they are traditionally close-mouthed.

A business reporter who has discussed the war with at least fifty top executives in Portland has not met five who are still hawks, although few of the critics want to be quoted. However, in recent weeks officers of two Portland-based nationally known corporations have expressed mounting dissatisfaction with the way things are going in Vietnam. Neither statement was reported in the presss.

In his annual report to stockholders, Howard Vollum, president of Tektronix, Inc., one of the world's largest manufacturers of oscilloscopes, wrote that a stimulus to business "would be the end of the Vietnamese conflict." He added: "War tends to siphon national resources away from more productive uses. Unlike companies that produce military materials or deal in direct government contracts, Tektronix has found wartime a business depressant. The economic benefits of peacetime are far secondary, of course, to the end of the human suffering."

An even stronger statement was made by Harry J. Kane, executive vice president of finance of Georgia-Pacific Corporation, which last year grossed over a billion dollars. Speaking to the Investment Analysts Society of Chicago early in September, Kane said: "We see domestic problems ranging from poverty and sadly inadequate housing, both urban and rural, to crime in the streets and threats of further campus rebellion. There are hopeful signs in the Administration's new domestic programs, but there are grave doubts as to their possible accomplishments as long as we are entangled so deeply in Southeast Asia. We cannot afford the casualties in the hundreds of thousands, the deaths of our young men by the tens of thousands, nor the billions of dollars this effort is costing us each month. The President has reiterated that the pull-out from this agonizing situation is his Administration's No. 1 goal, and it must remain so."

Battle-hardened critics of the American involvement see Mr. Nixon's talk of disengagement as deceit. If that is so, we can expect more business leaders to join the war foes, and it seems almost a certainty that their criticism six months from now will make today's language seem embarrassingly mild.

Nixon has declared that the national protests on the campuses and in the streets will have no effect upon his Vietnam program. He is disdainful even of Congressional critics. But the men of corporate power have always constituted a pantheon for Nixon, and as their voices of dissatisfaction increase in number and volume, he may find it imperative to bend with the wind.

RALPH FRIEDMAN

The Isolation of George Meany

Atlantic City

The blind alley into which George Meany's policies have led the AFL-CIO was amply illustrated at the recent convention here. On the one hand, Meany denounced President Nixon for slowing down civil rights enforcement, for anti-inflationary measures which hurt the poor and increase unemployment, and, above all, for appointing Clement Haynsworth, Jr., to the Supreme Court. On the other hand he insisted that the AFL-CIO leadership endorse the President's Vietnam policies. The vote of approval was almost unanimous—which is something Nixon couldn't get today even from the Republican Party.

By inviting Melvin Laird, Secretary of Defense, to address the convention, rather than someone like Robert Finch, Meany made clear that his hard-line position is intact. Only one delegate, a young man from California named Art Carter, challenged Meany's war views. Meany told him bluntly "to get out." The union president's insensitivity to youth emerged at a press conference when he was asked if he worried about its alienation from the labor movement. His curt reply was "No."

During the debate on expelling the Chemical Workers for having joined the Alliance for Labor Action, Meany

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again showed his basic views. He ridiculed the ALA platform, one of whose planks is "to develop policies and carry out programs that will enable the American labor movement to repair the alienation of the liberal, intellectual and academic community." "Well, I couldn't care less about that one," Meany snorted.

It must be added that this convention showed nothing like the enthusiasm for the war, or for Meany's remarks about it, that could be felt last year at Miami Beach, when President Johnson's and Meany's hawkish speeches received an enormous response. But Meany's belligerence on the subject prevented Hubert Humphrey from even mentioning Vietnam in his convention speech, and to talk about America's problems today without discussing the devastating impact of the war takes oratorical agility of the sort that cost Humphrey so dearly among the younger generation.

Having denied for years that trade unions practice race discrimination, the AFL-CIO delegates now hail as progress not a mandatory ban on discrimination but rather a statement which recommends "to local unions throughout the United States that for a stated period of time they should invite the allocation of qualified minority journeymen for membership in their respective local unions and should accept such qualified minority journeymen provided they meet the ordinary and administered requirements for membership." Since the majority of new employees in building trades do *not* go through apprentice programs, as Secretary of Labor George Shultz confirmed at a press conference, the convention recommendation can hardly be expected to have much impact on Negro employment in that area.

Fortunately, the AFL-CIO no longer speaks for all labor. The two most powerful and dynamic unions, the Auto Workers and the Teamsters, speak for themselves, and are more in tune with the times. And on local levels, there is far more concern for youth, public opinion and the war than was reflected at this convention.

Finally, if labor hopes to exert influence in the 1970 Congressional elections, it has no choice but to repudiate the current standards of "good guys" and "bad guys" set up by Meany's adamant policies. Michael Harrington won in Massachusetts with a position on the war exactly opposite to that of Meany, and the youth who are becoming more active politically will be a major segment of the voters in 1970.

Nor can the building trades policies of endorsing conservative Democrats, as in Detroit, New York and New Jersey, bring success to the trade unions or produce the Negro-labor alliance in politics that Bayard Rustin called for in his speech defending the AFL-CIO record on race issues. At almost every turn, the AFL-CIO can break out of its self-imposed isolation only by repudiating the policies of George Meany.

B. J. WIDICK

MILITARY JUSTICE

Learning from the Green Berets

EDWARD F. SHERMAN

Mr. Sherman, a member of the Law School faculty at Indiana University, is completing a study of military justice. He served two years in the Army as a captain in the Judge Advocate General's Corps, and holds a reserve commission as captain in that service.

Whatever the impact of the Green Beret case upon American military prestige or the image of the intelligence organizations, there is not much doubt that the system of military justice has suffered. Senators and Congressmen have received heavy mail complaining about the military conduct of the case—the secrecy, the seemingly unnecessary incarceration of the defendants, the offers of immunity in return for prosecution testimony, the withholding of evidence from defense lawyers, and the influence of the area command. These objections go to the fundamental structure of the court-martial system, which for the first time since World War II is being seriously challenged.

It will be ironic if the Green Beret case serves to bring about reform of military justice. The Green Berets, members of the Army's most elite outfit, have hardly been advocates for curbing the powers of commanders or expanding rights of due process for servicemen. But that is precisely why the case may be so effective for reform. Criticisms of military justice have been coming for years from opponents of the military; now they have been voiced by career commissioned and noncommissioned officers from the Army's most gung ho outfit. The Green Beret defendants alleged that they could not receive a fair trial by court-martial and requested that civilian authorities or civilian courts step in, a request finally granted by the Secretary of the Army, apparently with the authorization of the President.

It cannot be lightly passed over that loyal supporters of the military establishment have asked for civilian interference in the Green Beret case. The military have over the years guarded nothing quite so jealously from civilian intervention as the independence of the court-martial system. "It will be a grave error," stated Gen. William T. Sherman in 1879, "if by negligence we permit the military law to become emasculated by allowing lawyers to inject into it the principles derived from their practice in the civil courts." When Congress in 1950 replaced the old Articles of War with the Uniform Code of Military Justice (which still governs the operation of courts-martial), it buckled under pressure from the military, leaving

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commanders in control of court-martial administration and preserving the autonomy of the military justice system. The civilian secretary of any of the services and the President have the power, theoretically, to overrule military determinations concerning courts-martial and to reduce or remit sentences, but the power has rarely been invoked because of the prevailing belief that the military know best how to handle their men and run their courts.

The taboo on civilian courts is even stronger. There is no means of direct appeal from a court-martial conviction to a federal court, and federal courts have assiduously refused to take jurisdiction of cases brought by servicemen who challenged military determinations or alleged court-martial errors that did not involve the Constitution. Military law, as the Supreme Court said in a 1953 case, "is a jurisprudence which exists separate and apart from the law which governs our federal judicial establishment. This court has played no role in its development; we have exerted no supervisory power over the courts which enforce it."

The willingness of the Green Beret defendants and their supporters to criticize the military justice system and to by-pass the court-martial by appealing to the Secretary of the Army and the federal courts reflects a change in public attitudes toward the military. Only two and a half years ago, criticisms very similar to those made by the Green Berets' lawyers were raised by Capt. Howard Levy, who was court-martialed in May 1967 for refusing to teach Green Berets and for making anti-war statements. Captain Levy's court-martial, like the projected one for the Green Berets, was brought at the direction of a commander who was emotionally involved in the case, and command influence was apparent throughout the proceedings. Like the Green Berets, Levy was subjected to seemingly needless incarceration and restrictions pending trial; his mail and telephone calls were monitored; promises and threats were made to witnesses to obtain prosecution testimony; the press was excluded from the pretrial investigation, and the military issued its own self-serving version of the case; and certain witnesses and evidence were not made available to the defense. Levy was tried, as the Green Berets would have been, before a court chosen by the commander from among his officers, and neither Levy nor his civilian attorney was permitted to see a 180-page intelligence dossier on him which the defense believed contained important evidence. However, the climate was different in the spring of 1967; Levy's attempts to get the Secretary of the Army and the federal courts to intervene aroused little public interest and failed. He was sentenced to three years at hard labor.

Since the spring of 1967, there has been a dramatic change in public attitudes toward both the war in Vietnam (the Gallup poll, in late September 1969, showed that 58 per cent disapprove of the war, 32 per cent approve; these figures were almost exactly reversed in the spring of 1967) and the traditional immunity of the military from criticism. This has affected even the military's most protected preserve, the court-martial system. Courts-martial, which had rarely been reported in the press, became front-page news as the number of trials of dissenters rose; and with the expanded coverage came a public reaction against certain authoritarian and disciplinarian aspects of court-martial procedure.

In the spring of 1969, two very different court-martial cases attracted substantial attention, and resulted in unusual intervention by the secretaries of the services. The first involved the prosecution at the Presidio in California of a number of young soldiers who had staged a brief, peaceful sit-down strike to protest the shooting of a prisoner, and stockade conditions in general. In February, the first three to be court-martialed were found guilty of mutiny and sentenced to sixteen, fourteen and fifteen years' imprisonment. Protest against the convictions and sentences was widespread. Among others, a petition to the Secretary of the Army signed by a number of well-known law professors asked "whether the intense command interest in prosecuting these soldiers for serious crimes and the unusually severe sentences indicate that the court-martial proceedings did not result in a fair and impartial trial," and noted that "serious questions have been raised by these courts-martial concerning the administration of criminal law in our armed forces and the capacity of the present military justice system to insure basic due process rights to members of the military."

At first, the Secretary said it would be inappropriate for him to interfere, since the military appeals were adequate to insure that justice was done (he made a similar statement early in the Green Beret case). Then, under mounting public pressure, the Judge Advocate General of the Army, taking instruction from the Chief of Staff and the Secretary of the Army, announced the unusual step of cutting down the sentences to two years, although the military appeals had not yet been completed.

The second 1969 case involved the *Pueblo* crew. When the Navy completed its Board of Inquiry hearings concerning the seizure of the *Pueblo,* it announced that it would court-martial Commander Bucher and certain other crew members. Acting in response to a storm of adverse criticism, the Secretary of the Navy overruled this decision and dismissed the cases.

The Presidio, *Pueblo* and Green Beret cases, although different, have all had the effect of breaking through the precedent that the civilian sphere should not interfere with the manner in which the military disciplines its men. In each instance, the motive behind the public clamor seems to have been not so much that the defendants were innocent, as that the military was out to get them and that they would therefore not receive a fair trial in a court-martial. There appears to have been an underlying feeling that the military was using the court-martial, not dispassionately to determine guilt or innocence but to punish ideological nonconformity and make an example (the Presidio case), or to find a scapegoat (the *Pueblo* case), or to satisfy personal animosities and further institutional ambitions (the Green Beret case).

One might be tempted to conclude that the intervention of the secretary in each of these cases was appropriate and that this, therefore, is a satisfactory way to remedy court-martial injustice. However, that manner of redress provides only temporary relief in individual cases; it does not cope with basic deficiencies in the system. Further, the Secretary's dismissal of court-martial charges, as in

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the *Pueblo* and Green Beret cases, does not even insure that justice has been done in the individual case. If, indeed, the Green Berets committed murder, or if Commander Bucher was derelict in his duties to the point that he violated definite military criminal laws, then society, as well as the military, has an interest in their prosecution.

Intervention by the Secretary to dismiss the case accomplishes none of the objectives of a sound criminal law system. It provides no deterrence for similar crimes in the future; it leaves the accused in limbo with no chance to clear his name if innocent, or to serve his sentence if guilty. It does not insure fair and equitable administration of the law in the future, for the decision is made, not on the merits but according to primarily political considerations, such as the desire to shield certain organizations from embarrassment or to mute public clamor. It also tends to discriminate against others whose complaints about military injustice are similar but who are not fortunate enough to have a case that excites press attention and public sympathy. Finally, unlike intervention by a federal court to protect the constitutional rights of a serviceman, the Secretary's intervention is not guided by judicial precedent. Thus it is not surprising that, after the initial rejoicing over Secretary Resor's decision to dismiss the charges, no one, neither the Green Beret defendants, the military, the CIA nor the public, is really satisfied with the outcome.

But despite the unsatisfactory resolution of that case, it has served very usefully to release, at last, the cause of military justice reform from the ideological limitations of the hawk-dove controversy and to indicate that, unless changes are made in the basic court-martial structure, awkward and unsatisfactory interventions may have to continue. Like no other event in the post-World War II period, it has moved the Congress to look critically into military justice.

The defects in military justice procedures which became evident in the Presidio, *Pueblo* and Green Beret cases result primarily from old authoritarian and disciplinarian practices which the Congress failed to remove from the court-martial system in 1950. There had been 1.7 million courts-martial during World War II and 100 capital executions; 45,000 servicemen were still imprisoned when the war ended. Senators and Congressmen were flooded with complaints about "drum-head justice" and unduly severe sentences. A special committee headed by Gen. James Doolittle found that injustice and discrimination were prevalent in courts-martial cases and called for "a new philosophy in the military order, a policy of treatment of men, especially in the ranks, in terms of advanced concepts of social thinking." But by the time the various bills which were thereupon drafted had worked their way through the committees, the Uniform Code of Military Justice contained little to cure the evils. The code did extend substantial due process safeguards to servicemen in courts-martial (such as the right to a lawyer in a general court-martial and a broad right against self-incrimination), but it preserved the basic structure of the old system.

Several conspicuous defects in the administration of military justice deprive servicemen of a fair and impartial trial. The first, and most important, has been mentioned earlier. It is "command control," and its effect is that the individual commander who decides to prosecute one of his men controls the court-martial machinery and appoints the personnel. Our civilian law places particular importance upon the separation of functions and independence of individuals who administer the criminal process. The district attorney decides whether or not to prosecute; the grand jury must indict; the judge is an independent official, and the defense counsel is hired by or appointed for the defendant; the jury is picked from the defendant's peers by random selection from the community, and the appeals courts are independent tribunals. Under the court-martial system, the commander plays a part in all these functions. He decides whether to prosecute and can court-martial a man even over the contrary recommendation of an investigating officer; he can handpick the jury from among the officers under his command, and both prosecutor and defense counsel from his legal officers. And when the trial is over, he has the power to review the sentence.

The commander also has an amazingly broad range of administrative powers over the conduct of the court-martial. He frequently enters a pretrial agreement with the accused, promising to cut down the sentence if the man will plead guilty. He frequently grants immunity to other servicemen if they will testify against the defendant. He determines whether or not a defense counsel should be allowed to subpoena witnesses and obtain other evidence before trial. He appoints the court and in certain situations can excuse court members, even after the trial has begun. He can reverse a dismissal of charges that the court has granted on such grounds as denial of a speedy trial, and order the trial to proceed. He is the immediate superior of the staff judge advocate, who carries out a number of supposedly impartial functions in the court-martial, and has the power to rate him, to determine his assignments, leaves, etc. Although the commander is forbidden from attempting to influence the decision of a court, he is in a position to do so, quite legally, in countless ways. It is understandable, then, that the Green Beret defendants, charging that General Abrams had an intensely personal interest in the outcome of their trial, petitioned to have the case tried in a federal court.

The second most important defect in the court-martial procedure is the absence of a right to a grand jury hearing and to trial by jury. Although the code of 1950 provides for a pretrial investigation that is usually more thorough than what a civilian grand jury provides, the commander is not bound by the investigating officer's recommendation. Thus, although the investigating officer found no evidence to support charges of mutiny against some of the Presidio defendants, the commanding general overruled his recommendations and tried them for mutiny anyway. The right to trial by a jury of one's peers, chosen at random, is a basic assumption of civilian criminal law. A serviceman is permitted to request that one-third of the court chosen by the commander be from the enlisted men, but commanders then invariably appoint high-ranking noncommissioned officers, who are usually the most rigid disciplinarians in the service, and the right

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is rarely exercised. Thus courts-martial are usually made up entirely of officers, and they often reflect not only a heavily disciplinarian and class-oriented bias but also the attitudes of their commander on discipline, offenses and sentences.

The third defect embraces a wide variety of practices and procedures which relate to the extraordinary power which the military is able to exert over a defendant in a court-martial and which often affects its outcome. Servicemen have fewer rights of privacy than do civilians; therefore it is easier for the command to monitor telephone calls, censor mail, exclude visitors, and impose restrictions on a defendant. Although military courts have generally recognized the Supreme Court's opinion concerning the right to warning before interrogations and the exclusion of evidence resulting from an unlawful search or seizure, searches and "shake-downs" are permitted on a military reservation by authority of the commander, and therefore it is relatively easy for military police legally to obtain incriminating evidence. Military provisions for bail, both before trial and pending appeal, are inadequate. Commanders are vested with excessively broad discretion in the matter of release pending trial. The new Military Justice Act of 1968 provides, for the first time, that a convicted serviceman can be released during the period when his appeal is being completed, but leaves such release to the sole discretion of the commander. This has produced one of the most severe injustices of the court-martial system: servicemen have been made to begin serving their sentences immediately upon conviction; thus even when their conviction was later overturned, they have spent substantial periods behind bars. (Full military appeals are sometimes not completed for several years.) It is still too early to determine whether the 1968 Act will be administered to provide a liberal right to bail pending appeal, but results so far indicate the contrary.

A fourth defect is the allegation of extremely vague crimes, such as "disorders and neglects to the prejudice of good order and discipline in the armed forces," or "conduct of a nature to bring discredit upon the armed forces" (Article 134), or "conduct unbecoming an officer and a gentleman" (Article 133). These vague crimes provide a commander much more latitude in ordering a case to trial than civilian law permits a district attorney, and they would be held unconstitutionally vague and overbroad in a civilian court. They have traditionally been used by commanders to punish a wide variety of conduct which displeases him (Article 134 is known as the "Devil's Article" because the terms are so broad that almost any conduct can be found to come under it), and have been especially used in the period of Vietnam to court-martial dissenters. One of the more popular charges brought in such cases under Article 134 has been the making of "disloyal statements . . . with design to promote disloyalty among the troops."

A fifth defect in military justice is the inadequacy of the appeals system. There are three levels of appeal from a court-martial conviction: administrative reviews by the commander and legal officers; the Courts of Military Review, and the Court of Military Appeals. The right of the commander to review a court-martial conviction is an anachronism from the day when a sentence was not considered final until the commander had approved it. Although the commander today is permitted only to decrease the sentence, his power of review creates an undesirable influence on the court. It has not been uncommon for a commander to let it be known that he wishes courts-martial to impose the maximum sentence, so that he may or may not cut it down, as he sees fit; some officers still feel that this is the appropriate way for a court to function. As a result, court-martial sentences are sometimes outrageously severe, and the defendant is then dependent on the good will of the commander.

The Courts of Military Review are made up of three members, usually military legal officers. The code does not permit appeal to these courts for sentences of less than a bad conduct discharge or one year's confinement, and this limitation means that in many cases, the accused will receive only the review of the commander and a legal officer in his command. The Courts of Military Review have never displayed much independence from official military positions. That can be explained, in part, by the fact that they are appointed from the staff of the judge advocate general and can be removed at any time. Until they achieve tenure and develop some sense of independence, they will not provide the kind of impartial review to which a civilian is entitled in an appellate court.

The Court of Military Appeals, the highest military court, is composed of three civilians appointed for fifteen-year terms by the President. It is the outstanding achievement of the Uniform Code of Military Justice and can take the credit for producing the first body of military common law and for keeping the military abreast of Supreme Court decisions on criminal due process. However, the right to appeal to the court is discretionary with it, and it hears only a tiny percentage of the total courts-martial. Also, it has proved to be a cautious court and, particularly in areas of individual rights, it has lagged behind the Supreme Court. Perhaps the most serious defect in the Court of Military Appeals structure is its lack of the broad equitable and extraordinary powers available in civilian courts. Although it has recently claimed to have "all-writs powers," it has not granted relief in most of the cases coming before it that involved requests by servicemen for injunctive or other protection from illegal or unconstitutional military determinations. Since servicemen are generally unable to get federal court relief, it is especially important that the Court of Military Appeals be empowered and administratively enabled to grant a wide variety of remedies.

Those are the major areas to which the Congress will have to give attention, if it is to raise military justice to the level of civilian justice. The military will claim, no doubt, that the duties and responsibilities of the services require that commanders continue to control courts-martial, that juries be officers chosen by the commander and that vague crimes be invoked to haul servicemen into court. But the military has adapted to reforms imposed from the outside before, and it will do so again.

Even if the reform does not take place, the military justice system will probably not maintain its relative autonomy. The willingness of the Secretaries to interfere, under public pressure, is only one predictable conse-

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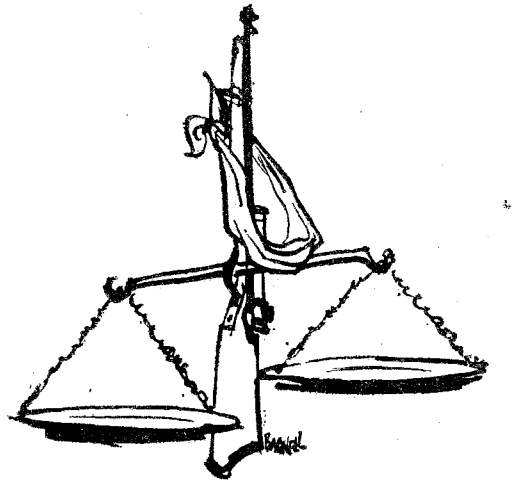
quence of maintaining the inequities of the court-martial. Two other developments, which have already begun in the federal courts, could seriously limit the independence and jurisdiction of the system. First, on June 2, 1969, in *O'Callahan* v. *Parker*, the Supreme Court ruled that a serviceman charged with a non-service-connected crime committed off post cannot be tried by a court-martial and thus denied the right to grand jury, trial by jury of his peers, and the other rights provided by civilian law. The Court made no bones about the inferior quality of the court-martial or its belief that a serviceman, under the circumstances of this case, should be given all the rights provided in a civilian court. Second, certain federal courts have in the last year displayed a greater willingness to accept jurisdiction of suits brought by servicemen who challenge the legality of various types of military determinations.

Both developments appear warranted by the present state of military justice. Unless reforms are made in the code, it is likely that still more cases will be removed from court-martial jurisdiction and that expanded review of military determinations by federal courts will bring the military under greater civilian control. The state of military justice is very much in flux, as the defects of an anachronistic system of criminal law have suddenly manifested themselves. The Congress has a clear duty to legislate sufficiently sweeping reform to overcome the disquieting fact that 3.5 million servicemen are bound by an inadequate system of criminal justice.



OPERATION SISYPHUS

Wetbacks, Growers and Poverty

SHELDON L. GREENE
Mr. Greene is general counsel for California Rural Legal Assistance and a specialist in litigation challenging the employment of nonresident alien labor.

San Francisco

The *bracero* program died in 1968, after a long illness. Under its provisions, 4.5 million Mexican temporary workers were brought into the United States between 1942 and 1963 as supplementary farm labor. Officially terminated by Congress in 1963—long after the World War II labor shortage which it was intended to ease had ended—it finally trickled to a halt in August 1968 when Secretary of Labor W. Willard Wirtz denied a request by California tomato growers for 2,200 Mexican farm workers. He characterized this refusal of legal entry as "a historic step towards healing the migrant worker sore in California and in the entire United States." But current 1968-69 immigration records show the apprehension of 150,000 Mexican nationals who had entered the United States illegally, and the incidence of these wetbacks in American employment is perhaps triple the number caught. This would suggest that Secretary Wirtz's cure is at the most cosmetic.

Illegal entry by Mexican nationals has afflicted domestic low-income workers since World War II. In 1942, after Mexico had agreed to supply temporary workers under the *bracero* program, Texas farmers refused to meet agreed wages and working conditions. In response, Mexico for a time cut off the supply of workers, but U.S. Immigration authorities permitted thousands of Mexicans to cross the border illegally. They were then apprehended and "paroled" to Texas farmers, thus avoiding the terms of the international labor agreement. Farmers and border industries got cheap labor; domestic farm workers and El Paso garment workers and meat packers suffered wartime inflation but were forced to accept low wages if they wanted to work at all.

In 1954 the President's Commission on Migratory Labor studied the border labor problem and concluded: "The United States, having engaged in a program giving preference in contracting to those who had broken the law, has encouraged a violation of the immigration laws. Our government has thus become a contributor to the growth of an illegal traffic which it has responsibility to prevent."

That same year, the Justice Department launched Operation Wetback, a roundup of more than a million illegal entrants in an area stretching as far as St. Louis and Chicago. San Antonio alone harbored 331,000. The roundup seemed so successful that the Immigration and Naturalization Service stated optimistically in its 1955 report that it had ended the wetback problem. The boast proved premature.

The Border Patrol and the Investigation Section of the INS are diligent, outnumbered and outmaneuvered. The comparatively few illegal entrants who attempt to cross the natural, and for the most part barren, frontier on foot are easily spotted by the continual overhead observation

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of Border Patrol spotter planes; they are then picked up by ground patrols which run along exfoliated drag strips. Some few aliens risk their lives in airless car trunks and campers, or precariously flattened on a ledge beneath passenger cars. Such trips cost from $100 to $300. One recently ended in death by asphyxiation.

But for 70 to 80 per cent of the illegal entrants access is neither hazardous nor romantic. More than a million Mexican aliens carry visitors' permits. These salmon-colored cards, issued by the Mexican Government at a cost of about $80, authorize visits of seventy-two hours in an area not more than 25 miles from the border.

But the aliens, most of them, are not looking forward to a visit. The typical wetback meets an agent in Mexico who provides him with a routing or a contact. Once across the border, he is transported to a city, often Los Angeles, and there referred to a job. In some instances, the agents provide transportation by selling a group of wetbacks an automobile, in which they can better elude detection. Those who lack the cash are offered a "go now, pay later" plan under which the price of the car is deducted from future wages.

Once inside, the alien easily merges into urban or rural Chicano barrios. Anyone can get a Social Security card by filing an application; proof of legitimate entry or birth certificate is not required. Employers record the Social Security number and couldn't care less about the worker's status. It is a felony to induce an alien to enter the United States, to transport him or to harbor him from detection; but conservative legislators from farm districts have managed to exempt the employer of an illegal entrant from that chain of complicity, even when the employee is known to be a wetback.

Agriculture absorbs the bulk of the illegal entrants. During fiscal 1968, 38,950 of those apprehended were doing farm work. Wetbacks are preferred by most farmers because they are thought to work harder than Americans and to complain less about conditions. The minimum wage for farm work in California is $1.65 an hour; wetbacks in labor camps are lucky to earn $1.35, not enough to live on in California but four times the Mexican minimum wage. The rich regions of California are dotted with the grim labor camps which formerly housed *braceros*. Wetbacks now live in many of them, hidden well off public roads on land posted against trespassing.

While most wetbacks seek farm work during the busy seasons, substantial numbers are kept on the year around, or find off-season jobs during the very periods when domestic farm workers, residents of the area, are unemployed and dependent on public assistance. Winter unemployment in farm regions runs as high as 16 per cent of the domestic labor force; in California alone idle farm workers require $15 million in public assistance. Ten thousand wetbacks were caught in the five states that make up the Southwest in February 1969. From this figure one can assume that from 10,000 to 40,000 low-income families were displaced from jobs by wetbacks during the winter months, at a cost in taxes and loss of domestic wages amounting to tens of millions.

Surveys show that the prevalence of wetbacks also depresses wage levels, and encourages employers to ignore the laws governing wages and working conditions. Union leaders find it difficult to organize in areas saturated with wetbacks. A nationally reported example is the stubborn resistance Cesar Chavez's United Farm Workers Organizing Committee has encountered in its efforts to sign contracts with the California table grape growers. Strikes are not a compelling argument with employers who can rely on Mexican nationals, and the union has been forced to organize a nation-wide consumer boycott of table grapes to achieve its purpose.

Displacement of local workers by wetbacks is no longer a predominantly rural problem, since illegal entrants increasingly gravitate to more permanent jobs in the cities. From 1,500 to 3,000 of them are caught each month in the Los Angeles metropolitan area. Recently, the Border Patrol uncovered a smuggling operation which specialized in supplying wetbacks for industrial jobs in Chicago.

Despite the seemingly impressive figures on apprehensions, the wetback problem is not being brought under control. The program is hampered from the start by a shortage of manpower and equipment. As one patrolman in the Stockton, Calif., area put it: "We stake out Route 99 and the smugglers hear of it and take another road. There aren't enough of us to cover all the main highways all the time." On any given day, approximately 300 officers are on duty in the five Southwestern states.

A more basic problem than the size of the Border Patrol is the ease of entry afforded by the visitor's card and the absence of administrative controls on its use. The zone of travel permitted by these cards (with no record kept of entry and departure) was recently reduced from 150 to 25 miles from the border and that is making it easier to tag violators en route to the big cities. Since the reduction, systematic road checks on approaches to Los Angeles have turned up hundreds of aliens with no residency documents.

However, Border Patrol officials complain privately of the Justice Department's failure to require fingerprints as part of the permit procedure. Lacking that identification, it is almost impossible to spot previous violators when they reappear at the border, and wetbacks who have been returned to Mexico re-enter again and again, visitor's permit in hand. Also, since no record is kept as to when a seventy-two-hour visit begins, a Mexican who has eluded detection for weeks or months can depart unquestioned.

The very volume of violators has dictated an informal handling of those caught, and this also fails to discourage the increasing traffic. Illegal entry is a crime for which the violator may be prosecuted in the federal courts and formally deported by the INS. Re-entry after such a deportation is a felony. But resort to these remedies is infrequent. The present policy is to allow the illegal entrant to leave voluntarily within three days of apprehension. Often he is permitted to get to the border on his own. Or he may be taken to a detention center in El Paso, Tex., or El Centro, Calif., to await bus transportation to the interior of Mexico at U.S. Government expense. Not only does the wetback get a free trip home but back wages are collected for him by Border Patrolmen. Voluntary return is likened by an INS administrator to a "game

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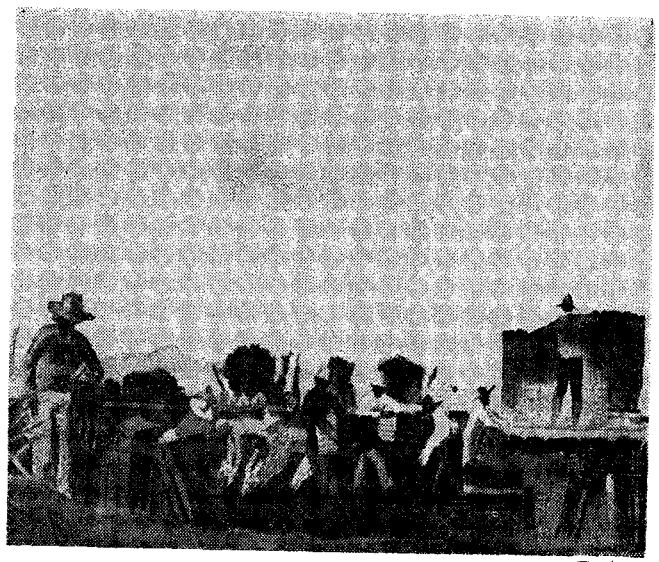
warden who discovers a hunter without a license and helps him carry the deer he's killed out of the park." Multiple returnees are seldom prosecuted and are formally deported only after the fourth, fifth or sixth entry, unless they are caught assisting other wetbacks to cross the border. A formal deportation procedure takes no more than fifteen minutes, and does not require the services of an attorney, but the INS claims that there are insufficient hearing officers to handle all the possible cases and that in any case deportation wouldn't stop the alien from trying again. Authorities do not even officially notify a grower when illegal entrants are found on his land.



Fortune

United States attorneys and judges regard illegal entry as an economic crime of low priority and most Americans sympathize with the wetback, who is after all a very poor man trying to get ahead. Few jurists or juries appreciate the relationship between illegal entry and the plight of the domestic poor. Federal prosecutors have little time even for wetback smugglers, accepting only aggravated cases for prosecution. Despite the high apprehension rate in Northern California—3,500 in August 1968—there has been almost no prosecution of smugglers or transporters. Officials suggest that strict enforcement, involving due process for each alien, would choke court dockets, overburden U.S. attorneys and tie up patrolmen as witnesses. The more pessimistic add that extensive prosecution would ultimately fill the prisons to capacity—a line of reasoning not applied to marijuana cases. INS investigators are hampered by the taciturnity of wetbacks, who refuse to say how they entered the country or who helped them to do so. Aware that failure to cooperate will not land him in jail, the alien has no inducement to reveal what he knows of the smuggling operation.

Recent lawsuits brought in California by domestic farm workers against growers using wetbacks allege that such employment is an unfair business practice calculated to lower their wages, diminish their employment opportunity and force them to seek public assistance at the taxpayers' expense. While employment of illegal entrants is exempt from the legal sanctions against harboring wetbacks, farm workers charge that growers are nevertheless criminally implicated, since offering wetbacks employment and shelter from detection is aiding and abetting in the crime of illegal entry. This resort to self-help law enforcement by the poor is a reflection on the failure of the Justice Department to perform its duties.

The ambivalence of the INS in the area of illegal entry is striking. The search for violators is persistent but ineffectual, and it seems clear that more could be done. The service operates on a budget of $86,450,000, more than half of which is committed to the four states bordering Mexico. Detention and transportation of apprehended illegal entrants alone costs $1.6 million, yet no funds can be found to hire more hearing officers and increase the number of formal deportations. Nor is there money to increase the Border Patrol and investigation staff, despite increased illegal entry and the much heavier work load demonstrated by the higher apprehension rates.

An obvious need is the fingerprint identification of seventy-two-hour permit holders. INS officials argue that it would be impractical to match the fingerprints of apprehended wetbacks against those of 1 million cardholders. Yet the need to check at most 500 fingerprints a day, the ostensible average number of wetbacks caught in the peak months, is small compared to the FBI's work load of 32,000 identifications a day from a file of 15 million sets of prints.

The replacement of cards at four-month intervals would make it easier to revoke the cards of violators. A requirement that holders of the unlimited entry permit post a bond to secure observance of the terms of entry, a device authorized in related immigration laws, could be an effective deterrent. Other steps could be taken to provide more effective enforcement. A recent act which authorizes a federal magistrate to handle petty crimes could undoubtedly speed the prosecution of numerous smuggling offenses as misdemeanors. Formal deportation following the second illegal entry within two years, the power to assess administrative fines in lieu of prosecution (thereby attaching a portion of the wages earned), and even the right to confiscate the vehicle used in the transportation of illegal aliens, as is done in narcotics smuggling, would also discourage the border hoppers.

Important remedial legislation is before House and Senate. A bill to prohibit the intentional employment of a person illegally in the United States was introduced on March 26, 1969 by Sen. Edward Kennedy and Rep. Michael Feighan. The measure is co-sponsored by nine Senators and twenty-three Representatives. But even if passed, it will not result in many prosecutions, since the present difficulties of proving smuggling will be compounded when the federal attorney must submit his case to a jury. However, the abrogation of the employment exemption, combined with occasional well-publicized prosecutions and stiff fines, should cure many employers of hiring wetbacks at bargain rates. Similarly, a bill introduced by Senator Mondale would amend the National Labor Relations Act to make it an unfair labor practice to employ aliens unlawfully present in the country, or to

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hire nonresident commuter aliens during a labor dispute. Any of these measures, applied for several years, would provide increasingly effective deterrence to illegal entry.

Even so, the problem of the wetback will remain as long as the Mexican-American border is open, the border economies remain interdependent, and American earnings are five to ten times the Mexican wage. But in our increasingly technological society, with its chronic unemployment among low-income unskilled and semi-skilled workers, it is a problem which cannot be ignored. The continued use of nonresident Mexican labor in border areas, a concession to the artificiality of the border, should be coupled with affirmative enforcement of wage standards and labor laws to provide domestic workers with earnings commensurate with living costs, at least equal access to jobs, and the freedom to bargain collectively.

Moreover, urban and rural areas distant from the border have no interdependence with the Mexican population and economy. Lack of enforcement in such places, except for the futile apprehension-return cycle, is really a subsidy to certain industries and subverts the Administration's policy to "move people off the welfare roles and onto the payrolls."

Despite the good record of the Border Patrol, administrative deficiencies in coping with the inflow of illegal entrants cannot be explained entirely by a lack of imagination or a lack of funds. It is not pure fantasy to conclude that the policy of the Justice Department on illegal entry is to do just enough to avoid wholesale criticism, without arousing the serious anger of anti-union employers who favor an abundance of cheap labor.

Modern Biology: A Terrifying Power

S. E. LURIA
Mr. Luria is Sedgwick Professor of Biology at M.I.T. He is the author of General Virology *(John Wiley & Sons).*

In the past twenty years, one has heard much talk of a biological revolution and of its consequences for mankind—not only in medical and economic achievement but in the nature of man itself. Man may soon be able to influence his own heredity directly, rather than only by the indirect process of eugenics. Scientists and science writers discuss such prospects with an uneasy mixture of optimistic predictions of benefits to come and dire warnings of possible catastrophes—as in Desmond Taylor's *The Biological Time Bomb*. Here I shall attempt to examine briefly the scientific basis of the expected developments, their probable nature, and the responsibility they present to both scientists and the public.

What has happened in biology in the last two decades is not a revolution but a scientific fulfillment. Modern biology started about 100 years ago with the foundation of Darwin's theory of evolution, which ties together all living organisms, past, present and future, into a single historical process of parenthood. The achievement of the last decades is the understanding of the nature, function and changes of the organic substrate of evolution, *the genetic material*, which is the stuff that carries from one generation to the next the set of instructions that dictate what an organism is, how it responds, and what kind of descendants it will in turn produce.

By 1952 the material of the genes was identified chemically as consisting of nucleic acid—generally (except in some viruses) desoxyribonucleic acid or DNA. In 1953 Watson and Crick proposed for the structure of DNA a model—the famous double helix—which not only proved to be correct but opened up entire new approaches to the study of the chemistry of heredity. Within the last sixteen years biologists have come up with the following satisfactory picture of what genes are and how they function.

A gene is a certain stretch in a long DNA fiber contained in the chromosomes of the cell nucleus. It carries in chemical imprint the detailed instructions for making both new copies of itself at each cell division and disposable "subcopies" or messages, which are used as instructions for synthesizing all the machinery of the cell. The messages are molecules of another kind of nucleic acid called RNA.

Gene structure and gene function are not immutable—if they were, evolution and development could not take place. On the one hand, the structure of genes can change by mutation, a relatively rare accidental change in chemical composition. Natural selection then brings about evolution by selecting for reproductive success those individuals endowed with particular genetic constitutions. On the other hand, the function of the genes in a cell is regulated by the environment, including the action of other genes in the same cell, the chemical messages from other cells, and also the external environment such as food and temperature. Thus while all cells of a complex organism have identical sets of genes (barring rare mutations), they function differently because some of their genes (which may number from a few thousand to several million, depending on the organism) receive different environmental signals.

The relevant point for this article is that all the essential features of the genetic process, insofar as they have been clarified, have turned out to be interpretable in strictly biochemical terms. No new principle or phenomenon has emerged to justify the assumption that some unique "vitalist" principle is at work in biological processes. This point is essential to a grasp of the present status and future course of biological technology. What molecular biologists have done is to make the genetic mechanism directly available to chemical experimentation. Arthur Kornberg and other biochemists have purified DNA from bacteria, viruses and from animal cells, including human cells. They have then caused it to produce more copies of itself in the test tube, under the influence of enzymes extracted either from the same organism or

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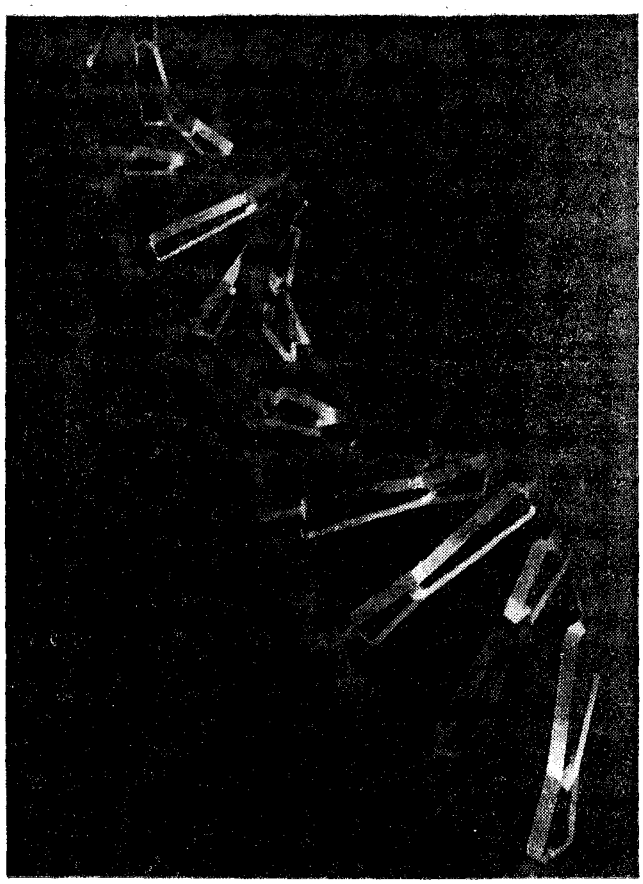

Detail of DNA Molecule

from other organisms. At the time of this writing, Ghobind Khorana is perfecting the chemical synthesis of a gene in the test tube. The chemical mechanisms of gene mutation have been clarified. The process of making gene messages, and the use of these messages to produce the individual pieces of cell machinery, have been duplicated and analyzed in the test tube. The nature of the chemical signals—the regulatory substances that turn on and off specific genes—is now known, at least in bacteria. Biochemists have purified some of these regulatory substances and demonstrated their actual attachment to the specific genes that they block or unblock.

Obviously such knowledge, which reaches to the most intimate level of the hereditary mechanism, can generate a new and powerful genetic technology. The traditional technology was applied in agriculture and husbandry to breeding desirable varieties of crops and animals, and in medicine to understanding, diagnosing and treating such genetic disorders as hemophilia, diabetes and phenylketonuria. Social application of classical genetics in the form of human eugenics has been advocated but seldom carried out. The selective elimination of genetic defects by restraining procreation on a voluntary basis has never found much favor. Positive "germinal selection"—that is, the spreading of exceptionally desirable sets of genes through sperm banks and artificial insemination—was advocated forcefully by the great geneticist, H. J. Muller, but has encountered many objections, including the ethical problems of who is to decide what is desirable in human heredity. In any case, germinal selection gives at best improved odds for superior progeny: the lottery of genetics—the random distribution of chromosomes and genes of each parent into different sperm cells or eggs—makes this process slow and inefficient.

In *Brave New World,* his nightmarish utopia of a conditioned humanity published in 1932, Aldous Huxley foresaw for the year 600 "After Ford" a type of eugenics based on artificial fertilization, twinning induced in the test tube, chemical conditioning of the growing embryos, and psychological conditioning of the growing children. Some of the embryological techniques imagined by Huxley, and others even more powerful, are rapidly approaching reality. For example, artificial fertilization of human eggs has been recently achieved in the test tube by Edwards and his co-workers in England. The separation and reshuffling of the cells of fertilized mouse eggs in course of division, followed by reimplantation and normal birth, has been accomplished by Beatrice Mintz. And more than twenty years ago, the nucleus of an unfertilized frog egg was replaced with the nucleus of an adult cell—a process that could produce at will large numbers of truly identical twins. It may soon become routinely feasible with mammals, including man. Thus, at least in principle, Huxley's made-to-order human being has become feasible much sooner than he anticipated.

But these embryological methods represent only a relatively clumsy, unrefined technology when compared to the one promised (or threatened) by true genetic surgery—the artificial correction, replacement, removal or addition of genes, based on the discoveries of molecular biology. A coupling of genetic intervention with embryological surgery would open the way to truly awesome possibilities. The actual applications are admittedly still very distant; but I believe it is not too soon to become aware of the prospects.

Here are some of the relevant facts. In bacteria, which are used most frequently for this kind of research, it is already possible to introduce genes or groups of genes as purified pieces of DNA molecules. Under appropriate conditions, these genes enter the cells with a high chance of replacing the corresponding resident genes. Thus a bacterium that is sensitive to streptomycin, for example, can be "transformed" to being resistant to streptomycin by replacement of the appropriate gene. The descendants of such a transformed bacterium are all resistant. When this process of gene replacement is carried out with unsorted DNA fragments it is very inefficient; but there are methods, still being perfected, for sorting out DNA fragments to correspond with individual genes or groups of genes. I mentioned before that the chemical synthesis and copying of genes in the test tube is also becoming possible. It is clear, therefore, that the ability to manufacture large amounts of any specific gene may soon, like all purely technical achievements, become only a matter of investing sufficient money and personnel.

The introduction of specific genes into human cells, especially in the cells of the germ line that give rise to sperm and egg, is still far from actuality. But developments that may lead in that direction are already at hand. Thus, at least in bacteria, some mild viruses can pick up one or more genes from the cells in which they have grown and transfer them to other cells. Then these genes

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may either replace the resident ones or become added, more or less permanently, to the gene set. In some cases the added genes upset the regulation of their new host, for example, by inhibiting the function of certain other genes.

Besides viruses, there are other, even less destructive, agents called episomes or plasmids, which in bacteria can transfer and add genes from one cell to another. It would not be surprising if similar phenomena were soon to be discovered in the cells of animals and of man, where they would provide a way to add or replace genes. In fact, some viruses that produce tumors in animals (and possibly also in man) have certain properties of the gene-transferring viruses. A major barrier to genetic intervention will be, of course, the difficulty of manipulating the germ cells. It is conceivable, however, that gene-carrying viruses could be made specific for the germ cells. Even the injection of DNA molecules into eggs in the course of artificial fertilization may become possible.

What kind of applications can we foresee for the discoveries that I have just outlined? By and large, they fall into four groups: medical, bio-industrial, social and military.

In medicine, we may envisage replacing the present treatments of genetic defects—for example, insufficient production of a hormone such as insulin—by supplying the proper gene to certain cells from the outside, or by implanting functional cells, or by causing the corresponding gene to become activated in other cells of the body which normally do not produce the hormone because of regulatory repression. Manipulations of this kind could also, for example, alter the immunological reactions that cause the body to reject foreign tissue, an achievement that would make organ transplants much more successful.

In the bio-industrial field, it might be possible to use direct genetic manipulation instead of selective breeding to manufacture more desirable or healthier strains of a variety of organisms, from yeasts to cereals to cattle, by implanting or removing specific genes or chromosomes.

With social applications, we enter the truly controversial field. If it becomes possible to manipulate the genes of the human germ line or to achieve artificial fertilization and nuclear transplantation with human eggs, we would be faced with the terrifying responsibility of deciding what we—the human race—intend to become. At the start, we may simply remove defective genes or replace them with their normal counterparts. Then we may start to fool around by introducing supposedly "desirable" genes. We may even be tempted to manufacture many identical copies of a supposedly "superior" individual; for example, by introducing identical nuclei from its cells into series of enucleated eggs, which may then be implanted in the wombs of foster mothers.

At this point, ethical and legal problems of a completely new nature and magnitude arise. Who is to decide what is desirable or undesirable, superior or inferior, in a man? The doctor? The state? And beyond that, what ethical and legal criteria would apply to human beings who are not born by a natural process but are the product of deliberate genetic manipulation? When does a "repaired" or "manufactured" man stop being a man (whatever that means) and become a robot, an object, an industrial product?

I shall refrain here from speculating on possible genetic weapons. Whereas the obstacles in the way of supposedly constructive genetic surgery are very great (but *not* insurmountable), the obstacles to destructive uses may be smaller, if only because any one of many possible noxious results may be "desirable" in the military sense. Thus, for example, we may witness efforts to invent viruses that can spread in an enemy population genes that produce sensitivity to poisons, or susceptibility to tumors, or even transmissible genetic defects—in other words, genetic genocide. The development of pathogenic germs resistant to certain antibiotics has been going on for years in the biological arsenals of "civilized" countries.

Finally, we should not ignore the possibility that genetic means of controlling human heredity will be put to massive uses of human degradation even outside the military context. Huxley's nightmarish society might be achieved by genetic surgery rather than by conditioning, and in an even more terrifying way since the process would be hereditary and irreversible.

The situation that I have tried to project, based on biological developments which are either current or reasonably predictable, is not unique to biology. Whenever a science develops to the point of generating new technology, it presents society with a mixed bag of opportunities and risks. The question that faces society is not that of feasibility. Once the scientific principles are established, technological application is almost certain to come. Thus, faced with the prospect of a new genetic technology, we must ask ourselves as soon as possible whether and how it will be used and what can we do about it. Optimists and pessimists differ. Robert Sinsheimer, of the California Institute of Technology, stresses "the chance to ease the internal strains and heal the internal flaws directly." Rollin Hotchkiss, of Rockefeller University, warns that in putting the new genetic technologies to supposedly constructive uses, "the pathway will, like that leading to all of men's enterprise and mischief, be built from a combination of altruism, private profit, and ignorance." But they both stress the need "to prepare now for the new reality" and "to caution an impatient altruism, curb an overenthusiastic self-interest, or offset an uninformed interventionism." These concerns have to do, of course, with the constructive possibilities. The destructive ones, military or otherwise, would be welcomed only by the most narrow-minded, Neanderthal type of rabid nationalist or totalitarian.

What can we do about it? The least rational and least effective approach would be to advocate a moratorium on science in order to prevent the rise of potentially misapplicable technologies. The human cultural enterprise depends on freedom of inquiry. Science, like the arts, has become an inseparable part of the intellectual adventure of man. What is needed, rather, is a rational machinery, both national and international, to determine sensible policies and priorities in the application of scientific knowledge. The present absence of such machinery is sadly reflected in the way decisions are made on major programs such as the man-on-the-moon venture. Even more

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relevant and more frightening is the apparent inability of organized society to cope with the menace of overpopulation, a threat greater than that of nuclear self-destruction.

Whether or not a rational decision-making machinery can be achieved within society as it is now structured, either in the United States or in any other country, remains to be seen. A recently published report of a Panel on Technology of the National Academy of Sciences deals with some of the issues in a constructive way. Its limited range of recommendations, however, provides little comfort to those who feel that the problems of technology and human life require radical action by informed and responsible governmental bodies.

Basically, we need to create a society in which technology is purposefully directed toward socially chosen goals. This is a political rather than a scientific task, and scientists can hardly be expected to provide the solution. What they can and must do, however, is face the problems within their own sphere of activity.

On the negative side, scientists can make a conscious effort not to promote or encourage technological development without having first faced and resolved in their own minds the social implications. On the positive side, scientists must assume the responsibility to tell society, in a forceful and persistent manner, what science is discovering and what the technological consequences are likely to be. We ought not to be deterred by the widespread and increasing ignorance of the public, including governments, in scientific matters, but rather should strive to break through that barrier. Long-term educational programs may be inadequate because time is short. Faster ways must be found to convey the practical implications of the modern world of science to the scientifically uncivilized public consciousness.

If these responsibilities, however limited, are to be met, most scientists must undergo a major change of attitude. I believe that such change can be brought about because the present and forthcoming realities—whether those of an overpopulated world or of a humanity that can remake itself in whatever image it chooses—are stirring and disturbing the imagination of more and more scientists. Still, active leadership will be needed to develop and crystallize within the scientific milieu an enhanced concern for the social consequences of science and for the responsibilities of its practitioners. Even more important, this leadership must find the way to awaken the public and their elected representatives from the complacency that lies behind the distorted priorities of present-day society.

HONG KONG

THE COMPLAISANT HAVEN

STEPHEN SALAFF

Mr. Salaff received his Ph.D. in applied mathematics from the University of California in 1966. Since then, he has been a Visiting Lecturer in Mathematics at the Chinese University of Hong Kong and has contributed articles on Japan, Okinawa and Hong Kong to the Far Eastern Economic Review.

Hong Kong

Hong Kong is now enjoying an economic boom, and Britain is confident enough in its future stability to have guaranteed credit for a cross-harbor tunnel linking the island for which the colony is named with the Kowloon peninsula. China has quietly offered, in the *South China Morning Post* (April 18), to supply its Five Rams brand of portland cement at a competitive price for the tunnel. Another multimillion-dollar expansion project for which local developers are trying to get funds is the extension of the airport runway to handle the jumbo jet; several new tourist hotels are already being built to accommodate the extra crowds of tourists which the jumbos will carry.

The builders of the tunnel will be careful not to obstruct the warships of the U.S. Seventh Fleet which steam into the well-situated natural harbor from maneuvers in Korean and Southeast Asian waters, and from combat posts off Vietnam. These ships have for years been dropping anchor at the rate of thirty to forty a month. In addition, military and commercial planes bring troops daily from Saigon and Danang. The American servicemen arrive in Hong Kong for six days of rest and recreation (R&R) and the commercially oriented colony welcomes them because tourism is its second industry, and, according to Hong Kong Government figures, two out of seven tourists now arriving are R&R men. Each of them spends on the average $350, and the 220,000 troops who visited here in 1968 thus shelled out more than $77 million, one-third of Hong Kong's total tourist income. *Time* (May 31, 1968) estimated Hong Kong's R&R windfall to be $100 million a year.

There are two conflicting views of Hong Kong in the British Establishment. One, according to the *Far Eastern Economic Review*, sees it as "an embarrassing colonial anachronism hung around the unwilling neck of a Britain intent on withdrawing from Asia." The other, that of "businessmen and manufacturers with a solid stake in the colony's future," looks upon it as a "challenge" calling for imagination and resourcefulness, so that "Hong Kong can play a role in the future of the Chinese people." The factions agree, however, that the colony must continue to run on its traditional laissez-faire economic basis, supporting its own population without substantial corporation taxes and without help from London. And the second group is only a little behind the first in its determination to make as many fast bucks as possible, in particular by wide-armed greeting for R&R.

But Hong Kong depends also on the People's Republic of China for half of its foodstuffs, much of its clothing and

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household staples, and part of its critical water supply. Reciprocally, Chinese goods are sold at rock-bottom prices in the Hong Kong "China Products" stores and from these abundant sales and re-exports through Hong Kong to Southeast Asia and beyond, China derives fully half of its foreign currency. Substantial remittances from overseas Chinese to their families and clansmen reach the mainland via the Hong Kong branch of the Bank of China. Peking also uses the colony as the mainland entry point for the thousands of Japanese, German and other

London Illustrated News

businessmen who attend the Trade Fairs in Canton, nearby capital of Kwangtung Province.

Thus Hong Kong's position as a tax-free port contains economic advantages for both China and the capitalists of the West, and on the shrewd guess that China will not call a halt for some time to come, investors from the NATO countries and Japan, and from among overseas Chinese, are putting large sums into tourism, transport and industry. Hong Kong's sister colony of Macao, whose continued existence under the Portuguese flag is a symbolic blow to the freedom fighters trying to exorcise the Lusitanian bogy on the African continent—is experiencing a similar growth. That is also a sign to investors that China does not intend to change the *status quo*.

China's policy toward Hong Kong and Macao is related to its primary foreign policy demand—that the United States withdraw the Seventh Fleet from the Taiwan Strait and acknowledge that Taiwan is a part of China. Officials and analysts feel that the present territorial position in Hong Kong and Macao will last at least until the Taiwan problem is resolved in a way satisfactory to Peking. The benefits which R&R in the meantime bring to Hong Kong caused one leading U.S. consular official there to predict: "Communist China won't break its rice bowl in Hong Kong by throwing the Fleet out of here." It is of course quite possible that if the British had been unable in May 1967 to suppress the uprising that attempted to alter the internal power balance, the Hong Kong patriotic Chinese (a designation followers of the CPR prefer to "Communist," which they never use) would have begun strongly to oppose the R&R program. But everyone now seems prepared to forget the strikes and police suppression, and the revenge bombings which followed, and the pro-mainland sector is trying to rebuild its own financial and commercial machine. It is allowed to have its own businesses and newspapers and to study the thoughts of Mao Tse-tung in patriotic schools, but the police come down hard on anti-Hong Kong Government activities and demonstrations. The patriotic press opposes R&R, but the one feature story on the subject it has printed so far this year did not mention the war in Vietnam. It was an attack on "Western ways" among the youth—the corrupt Pop music and dancing culture, and the Anglo-Chinese schools, which have duped "70 per cent of Hong Kong's approximately 12,000 bar girls" into the trade by providing them with a debilitating "slave" education.

Chinese patriots sometimes rationalize the R&R program as just one in a long string of indignities perpetuated by foreigners at the southern gate of China. Given this historical outlook and the CPR's line on Taiwan, one can perhaps understand why Peking's "serious warnings" on U.S. intrusions into Chinese sea and air space and its protests to the United States in Warsaw about the occupation of Taiwan are regarded as reasonable and sufficient opposition to American military exploitation of Hong Hong on behalf of the Vietnamese War. To help their Vietnamese comrades, Chinese patriots are glad to sell Mao buttons and quotations to American sailors visiting Hong Kong from the war zone, but the rank and file, well disciplined and under the tight control of mainland and mainland-trained cadres, is instructed not to make anti-imperialist propaganda among the U.S. troops. The leadership knows that if anti-war leaflets were distributed to the visitors, some of them would inevitably insult China, and fights would break out. This would spoil the present mood of profitable amity. Thus there are no anti-Vietnamese War demonstrations in Hong Kong, and no resistance organizations like Japan's Beheiren to incite and aid dissenting servicemen into deserting.

Wanchai, located near the island's Central District, is the hub of the R&R circuit. It is a typical Chinese quarter, packed with small shops, peddlers, schools and street restaurants for the residents. Sailor bars, R&R tailor shops and pizza houses are thoroughly intermixed with the normal Chinese street life. The frustrated, vulnerable sailors who roam Wanchai are touted by pimps, rickshaw pullers and pornography hustlers, but are ignored by as many coolies who hurry past carrying heavy loads on

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their shoulder poles. The American sailors and the Chinese population are far apart culturally, but the Chinese are patient and acquisitive. With shore patrols and military police sitting on the whole area the open clashes which might be expected in such an incongruous situation have not occurred. Wanchai is also one of the patriotic strongholds, and the movement's newspapers, department stores, schools and union offices are to be found on every large street. But the patriotic Chinese have boxed themselves off politically from the servicemen, and often a left-wing union office peacefully occupies the upper floor of a building that houses a sailor bar on the street level.

It pays for Britain to profess that the R&R program is militarily trivial and that, in any case, if the U.S. troops were forced to leave Hong Kong they would simply "go somewhere else." Harold Wilson has managed with this argument to divert the London anti-war demonstrations away from the Hong Kong R&R issue, but the rebuttal is obvious. To the U.S. military command, which must offer its warriors a chance to soothe their pains and cares, R&R in Hong Kong has a straightforward military function which cannot easily be spread around to other ports. As the Hanoi *Vietnam Courier* put it on February 3: "The gigantic military apparatus of the USA possesses enormous means supposedly capable, if not of inflating chockablock the morale of the GIs, at least of preventing such a rapid sinking as we have witnessed. Substantial material privileges have been granted to those in Vietnam: pay hike, rest and recreation in reputed and most attractive cities in the Far East and the Pacific including Hong Kong, Bangkok, Singapore, Manila, Taipei, Honolulu, Yokosuka, etc." The annual number of R&R arrivals in most of the cities on Hanoi's list is less than Hong Kong's 220,000, and with massive Japanese anti-war protests to climax in 1970, and clearly discernible centrifugal tendencies in SEATO lands, not many of them could support a big increase without serious political repercussions.

Related to the logistics of locating play space for the men is the problem of finding ports for the ships to which they are attached. All of the Seventh Fleet's powerhouse types—carriers, cruisers and nuclear subs—call on Hong Kong for the R&R visits of their crews. The *Enterprise*, the world's largest warship, with more than 5,000 men, arrived in May 1968 for its third visit, and many of the Fleet's other nuclear-powered carriers have been to Hong Kong. The same nuclear subs which cause violent mass protests on the Japan mainland and in Okinawa because of the radioactivity they are alleged to impart to the local waters, often tie up at buoy number A 11 on Hong Kong harbor's central fairway, without even the possibility that contamination will be mentioned publicly in the colony. The freedom to bring in the whole range of nuclear-powered vessels is a special advantage afforded by Hong Kong, and if the composition of the American military force in Asia shifts further toward the "seaborne nuclear deterrent," the Navy might value still more an invitation to put in at Hong Kong.

Last August, Donald Stone, vice chairman of SNCC, was asked to address a mass rally in Naha, Okinawa. He encouraged the people under U.S. military occupation there to persist in their efforts to rid themselves of the huge American base, no matter how many dollars it has been pumping into their sadly depressed economy. It would "make whores of your women, pimps of your men, and it will seduce your souls. Once you begin to flirt with American dollarism you are lost. It will in the end mean the death of all that is beautiful, vibrant and alive in you." Stone's eloquent plea to the Okinawans would strike home to many of those British and Chinese who have been taking R&R blood money in Hong Kong. But it will not trouble their hearts in the night, because it could not be printed today in any newspaper in the Crown colony.

REMEMBER THE HATCH ACT?

CHARLES O. JONES
Mr. Jones is Maurice Falk Professor of Politics at the University of Pittsburgh. He was a member of the Commission on Political Activity of Government Personnel in 1966 and 1967, and is the author of several books on American politics.

We get used to thinking that certain groups of people don't really deserve the full rights of our society. Children's "rights" are hardly even discussed—they are kids after all. The rights of high school and college students are suddenly very much in the forefront and many question whether they should have the freedom of real people. Blacks still must struggle daily to maintain the glimmer of recognition which they have won during the last decade.

I have no poll data on the point, but I have a hunch that most people put government employees in this category: public servants are just that—servants to us all. And servants do not deserve the privileges of their masters.

The present Hatch Act, limiting the political participation of government employees, is a good example of law based on the assumption that some people merit fewer rights than do others. The Act states very simply: "No officer or employee in the executive branch of the Federal government or any agency or department thereof, shall take any active part in political management or in political campaigns." Actually a similarly broad prohibition has applied to persons in the Civil Service since 1907 (under Civil Service Rule IV). The Hatch Act was passed during the depression, in the wake of criticism that WPA funds were being used for political purposes. In addition to extending coverage, the Act provides stiff penalties for violators.

What does taking "any active part" mean? The law specifies that it does not include voting or expressing opinions. For the rest, however, employees are barred

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from activities that the Civil Service Commission "has heretofore determined" (before the passage of the Act) should be prohibited: serving in any capacity for a political party (including as a delegate to a convention), soliciting contributions, addressing a political club or meeting on a partisan matter, poll activity (including driving voters to the polls), becoming a candidate for office, distributing campaign material, initiating or circulating party nominating petitions, organizing a political meeting.

So the government employee knows that he does not have all the rights that others enjoy. But because the law merely assumed that he should be denied these rights—giving no clear rationale for specific denials—the employee is faced with an impenetrable "mishmash" of rules and regulations. In this connection, I recommend Pamphlet 20, "Political Activity of Federal Officers and Employees." Written as an authoritative source of information on the subject, it is a welter of confusion. The government employee must wade through the provisions of Civil Service Rules, the Hatch Act, coverage of the Act, prohibited activities, and the criminal code on political activities. Permitted activities are not mentioned. Indeed, until very recently, the Civil Service Commission did not even list permitted activities on its warning poster at election time. Surveys show considerable ignorance of the "do's and don't's" (e.g., 45 per cent of those enjoined thought they could drive voters to the polls). The result is inactivity for the timid ("when in doubt, don't") and very thin ice for the bold.

To say that the Hatch Act is confusing and ambiguous, and that its implementation is too negative, is not to say that government employees should be able to participate without restraint in political activity. It has long been recognized that the public has a right to impartial administration of government business. However, if one starts from the assumption that government employees have in principle the same political rights as any other group of citizens, one automatically becomes cautious about restrictions, weighing each one carefully in terms of the Constitution, the advantages to be gained for the public interest, the effect on the Civil Service. That viewpoint protects against blanket prohibitions or the blind acceptance of past practices.

A revision of the Hatch Act, based on the recognition and protection of employee rights, is sorely needed. An employee should be able to find out precisely what he can do in politics, what he can't do, what he need not do, and why. Every effort should be made to preserve the integrity, efficiency and impartiality of the Civil Service without limiting the rights of employees. For example, the criminal code now protects employees from coercion or intimidation for political purposes. Section 602 of Title 18 provides a fine of $5,000 or three years' imprisonment for any official or employee who solicits or receives political contributions from a fellow employee. We all know of, or have heard of, violations of this section of the law—political dinners being the most common device—but who knows of any prosecutions? Complaints must be referred by the Civil Service Commission to the Department of Justice, with accompanying evidence for criminal prosecution. John W. Macy, Jr., former chairman of the Civil Service Commission, summarized the experience under this provision in a hearing before the Commission on Political Activity of Government Personnel: "To my knowledge there have been very few cases. . . . I am unable to cite any." Leo M. Pellerzi, former general counsel of the Civil Service Commission, pinpointed the difficulty: "You have to have evidence to show it and it is very difficult. . . . A criminal provision imposes on the Department of Justice a burden of proof beyond a reasonable doubt."

The Civil Service Commission has recommended that the Hatch Act be revised to strengthen the prohibitions on coercion and use of official authority for interfering in elections. This would involve unifying some of the provisions now spread across the Hatch Act, the Civil Service rules and the criminal code. It would also provide a civil penalty for coercion, whether in solicitation of funds or services. Instead of "burden of proof beyond a reasonable doubt," Pellerzi testified, "a civil provision imposes upon the Civil Service Commission a burden of substantial evidence and it makes a tremendous difference in your ability to prosecute violations."

Effective protection from coercion would reduce the need to limit employees' rights, since a major evil would be controlled. The present theory appears to be that, since coercion is not effectively regulated, an employee's only protection is the list of "don'ts" compiled by the Civil Service Commission. When asked to do something, he can hide behind the law. Such a procedure shackles the employee; to be protected he must sacrifice political rights. Surely there must be a better way to insure impartiality in public administration. Serious effort should be made to restrain those who would coerce, rather than all civil servants.

Though the philosophical and constitutional reasons for changing the Hatch Act are indeed compelling, other arguments have merit. Government performs more functions, is more a part of our lives, with every passing day; and no prediction is safer than that government will continue to expand. Intelligent, competent and imaginative people are needed to staff government at all levels. Will such persons be attracted to the service if they must needlessly sacrifice political rights?

The spread of the federal government implies a greater quantity as well as a higher quality of employees. Current provisions of the Hatch Act extend coverage to those in state and local government "whose principal employment is in connection with an activity financed in whole or in part by Federal loans or grants." Estimates vary, but the current conservative guess is that federal grants-in-aid will quadruple in the next five years, from $15 billion to $60 billion. Most state and local employees may soon be covered by the Hatch Act—indeed, we may all be working for the government eventually! It is fascinating to contemplate a democracy in which no one could run for office or participate in campaigns.

The existing Hatch Act officially differentiates between partisan and nonpartisan activities. Another reason for revising the law is that such a distinction cannot be made. Employees are permitted to run for nonpartisan local public office if the issues involved are not identified with a

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national or state political party. Many partisan elections in this country are labeled "nonpartisan"—for example, elections to the Chicago City Council are legally nonpartisan, but anyone in that city can give you the party breakdown of seats. Even when an office is less closely identified with political parties—e.g., a local school board—the issues are seldom nonpartisan. Education is certain to be a part of every party's platform, and of every legislative, gubernatorial or Presidential candidate's speech.

Though it is always dangerous to predict how the Supreme Court will act, an additional argument for revision is that the present law would probably be declared unconstitutional if a case ever got to the Court. The Hatch Act was upheld in *United Public Workers* v. *Mitchell* (1947) by a 4 to 3 decision, the majority viewing its provisions as a proper exercise of power to protect the integrity and neutrality of the civil service. The decision was narrow, however, and issued by a "short" Court. Still in contention are the rights of employees under the First Amendment—speech, press, assembly and petition. Considering the Court's concern in the past two decades for First Amendment freedoms, it seems plausible that the Hatch Act would not survive today.

The recent California supreme court decisions may anticipate U.S. Supreme Court action in this area. The little Hatch Act in Alameda County was ruled unconstitutional in 1964 and the state provisions were ruled unconstitutional in 1966. In both cases, the majority argued that the restrictions were too broad and too vague, thus violating the First Amendment. If one were to project the California court's argument to the national situation, it would go something like this: Congress cannot lightly restrict First Amendment freedoms as a condition for public employment. It can do so only if it establishes compelling cause, and even then other means for achieving that cause must be unavailable. These are reasonable conclusions, but they have not guided the development of legislation in this sensitive area.

Preservation of an impartial civil service is, indeed, a compelling cause. Evidence on the bad effects of the spoils system is available in the record books or in the contemporary management of a good many cities. Testimony in Chicago and Cook County disclosed that "city employees who are patronage appointees must man their precinct, canvass, pay their dues, purchase tickets, refrain from opposing the party line in any open or blatant or embarrassing way." The chairman of the Cook County Civil Service Commission testified that absenteeism among workers in a county hospital was at least 80 per cent for two days before an election, on the day of the election, and on the day after.

Thus some regulations are necessary to preserve the civil service merit system. The question is how to accomplish it and yet preserve the greatest possible degree of freedom for employees. Reasonable men will differ on precise prohibitions, but if they agree that political rights should not be denied without elaborate justification, the result will be a vast improvement over existing regulations.

The immediate prospects for change are not good. A twelve-member Commission on Political Activity of Government Personnel, established in 1966, issued a report calling for major revision. The commission had conducted hearings, surveyed government workers, reviewed the complex legal questions, studied regulations in other nations, analyzed everything written on the subject. The hearings, research and findings are all published and available to Congress, but no commission report has ever enjoyed less Congressional attention. Legislation was introduced in the House and Senate in 1968, but no one seriously thought anything would be done in an election year.

The case for change is so overwhelming that one naturally asks why nothing happens. The reasons are not hard to find. Members of Congress are instinctively cautious about any legislation proposing reforms that would affect the election system. They want to hold their seats, and few of them really know how they won them—though in answer to any such question, they will recite the formula for their last campaign. Since they are so insecure, any proposal for change can bring an attack of nerves. Campaigning for re-election is difficult enough, they argue, without changing the rules of the game. So, as with legislative redistricting, or electoral college reform, or campaign finance regulations, or any number of ballot changes, Representatives and Senators approach the issue of increased political freedom for government employees by weighing the implications for their districts and states. They know how things work out under the present law; any change is a gamble. Will employees organize against them because of their stands on issues affecting the civil service? Will they run their own candidates against the incumbents? Are they likely to support one party? Which party would be more hobbled by enforcement of laws against coercion?

This prudence, combined with the existing political split between the White House and Congress, produces the ultimate formula for inaction. It is difficult enough to change the election system when one party is in charge. But give the White House to a veteran Republican like Richard M. Nixon, and the Congress to a majority of tough partisan Democrats, and the result is no result.

So the underclass in American politics—government employees—is destined to remain just that for the time being. They can never enjoy full rights of citizenship if the integrity of the merit system is to be preserved. But existing regulations are excessively restrictive and err in the direction of denying rights, whereas we have long held that in a democracy the error should be in the other direction. Reduced freedoms for some should never be a substitute for inadequate information, ignorance and uncertainty. The issue is complex and politically sensitive, but Congress should face the tough task. It should make protection against coercion effective, clarify the bases for prohibition, emphasize rights where possible, unify the scattered provisions bearing on the subject, abolish the distinction between partisan and nonpartisan, make penalties coincide more flexibly with violations, and increase the budget for enforcement. It would be unfortunate, but regrettably typical, if Congress waited for the Supreme Court to declare the Hatch Act unconstitutional before taking such action.

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BOOKS & THE ARTS

The Levels of Manipulation

WAR, PEACE, AND THE VIET CONG. *By Douglas Pike. The M.I.T. Press. 186 pp. $5.95.*

JONATHAN MIRSKY
Mr. Mirsky, a frequent Nation *contributor, is co-director of the East Asia Center at Dartmouth College.*

Several years ago on a lecture tour of Australia I found myself on the trail of Douglas Pike, an American Foreign Service officer, long-time resident of Vietnam, and author of a recent book called *Viet Cong*. I had just returned from my third visit to Vietnam, and was surprised at how much Pike and I disagreed, even where our experiences seemed alike. Our divergence troubled me until I read the "Personal Preface" to Pike's newest book, *War, Peace, and the Viet Cong*. There Pike tells all. "Vietnam has become the great intellectual tragedy of our times. Why this is so I do not understand. *Living in Vietnam for eight years has contributed nothing to my enlightenment*" (my italics).

The thesis of *Viet Cong* identified the organizing skills of the National Liberation Front as the key to whatever successes America's enemy may have achieved. *Viet Cong* had looked very scholarly—although its sources were usually uncited—and Bernard Fall, among others, had praised the book. Like much American political "science," *Viet Cong* tricked itself out in a welter of statistics, elaborate tables and foreign terms. Yet despite its aura of scientific objectivity the principal conclusions of Pike's book were indistinguishable from those held by Washington.

Much of the present volume, *War, Peace, and the Viet Cong*, consists of superficial résumés of the policies of contending groups in Vietnam and on the international scene, combined with equally superficial, and occasionally arrogant, evaluations (not merely descriptions) of Vietnamese society. More interesting are Pike's analyses of the NLF's make-up and goals, interesting because of what they reveal of the author and his policy-making associates.

Pike's view of Vietnamese society is a product of scholarly confusion and Western arrogance. He oscillates between seeing the Vietnamese peasant as mindless lump and as primitive democrat in a country bedeviled by "centuries of bad political habits." Thus: "A traditional Vietnamese villager does not understand that he can manipulate the universe, can make things happen or not happen. He does not see himself as a force in the world. He is, of course, but he does not realize it." In a subsequent description of village life we find:

> Extensive research into village attitudes during the past eight years clearly indicates that local self-determination, the right to have a voice in choosing the men that run the village is one of the four "minimal needs" of the Vietnamese villager, and this desire stems from historical forces . . . there was no election in the village except in the form of the subtle but very powerful village consensus. . . . This system is a form of political participation regardless of how it may appear to a foreigner. A Vietnamese villager felt involved; he knew that what he thought and wanted carried weight with the council.

Involvement in village affairs and awareness of the individual's importance has shown itself throughout Vietnamese history, not least in the late 19th century when peasants fought the French and their Hue court collaborators. This struggle, this awareness of an ability to "make things happen," was ably described in Truong Buu Lam's *Patterns of Vietnamese Response to Foreign Intervention* (reviewed in *The Nation*, August 5, 1968). It has so distinguished Vietnamese villages that, on American advice, Ngo Dinh Diem recalled locally elected authorities and inserted his own men, a tampering with Vietnamese life unequaled by either the French or the Japanese. This village organization, destroyed by Washington, comprises part of the heritage of the Vietnamese.

The notion that villagers possess no sense of their own worth, that Vietnamese society needs to acquire "good political habits," leads naturally to the conclusion that manipulation is the key to success in Vietnam—and that until recently the NLF's successes could be traced to this factor alone. Indeed, according to Pike the Vietnamese villager positively dislikes the NLF: "The villagers supply the NLF because of threats and coercion . . . why this is so, why support comes from basically hostile people lies in the fact that the NLF's strength through the years has been organizational."

Rejection of the Ho-Mao-Che theory that guerrillas require popular support has freed our national spokesmen from having to apologize whenever the Marines get caught burning down a village, or some American-sponsored general proves more than normally venal.

BANG BANG WITH A SILENCER

watching the screens
all that dying

the mind goes faster
won't stop to wait for words

"maybe there will be a time"
two pairs of feet in the snow
"you remind me of someone"
"me"
"I used to know"

taxi clock ticking

no connectives or interval music

airfields and freezing winds

walk faster comrades
into the time that will be

ANSELM HOLLO

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Fashionable new theories make the idea of popularity—our enemies' and our own—obsolete and unnecessary.

Consider, for instance, Charles Wolf of the RAND Corporation, writing in *United States Policy and the Third World*. Wolf pays tribute to the popular support which he finds "in the populist symbols and sentiments of the American tradition." But why should we assume that others are like ourselves and press our values on them? Let us rather examine the situation and act according to local conditions. Political scientists like Wolf (and Pike) "know" that the NLF and similar groups elsewhere succeed in mobilizing an essentially inert peasantry by scaring the hell out of them:

> Given the characteristics of transitional societies in the less developed countries, an effective insurgency and guerrilla activity can grow and gather momentum among a population that is passive or even hostile to the movement . . . by the same token, successful counter-insurgency programs can be conducted among a rural populace that is passive or even hostile . . . to the government. . . . What an insurgent movement requires for successful and expanding operations is not popular support . . . but rather a supply of certain inputs (e.g., food, recruits, information). . . .

The job of an effective counterinsurgency program, then, lies in raising the cost of the "inputs" so that the population finds it more painful to support the partisans than not. The people must be made "unambiguously" aware of what happens to those who aid the guerrillas, and that government punishment is "deliberately imposed because of behavior by the population that contributes to the insurgent movement." Here is a lesson supposedly learned from the enemy: obedience develops out of selective terror. As early as 1965, I encountered in Vietnam a small group of Americans, dressed in black "V.C. pyjamas" who were practicing on villagers forms of violence which they claimed to have learned from the NLF. They were pioneers in the swing away from what they called "the popularity contest." Recently an Australian officer refused to participate in such "black" operations and underwent court-martial. (*New Statesman*, August 29.)

Pike regards the Saigon government as legitimate and the NLF as a "disloyal opposition," wreckers and destroyers who bring "divisiveness" to Vietnamese society. An excellent analogue exists in the American student movement. It is very important that no blame attach to the collegiate institutions, which may "make mistakes" but on the whole are seen as a market place full of stimulating competition, a market place the "disloyal" students are trying to befoul. Ignoring social causes and concentrating on what amounts to thuggery enables Pike to peddle "manipulation" to political scientists who feel their own worlds being shaken.

> Since it seeks not to adjust the political machine but to smash it, the NLF is in tune with the nihilism of the second half of the twentieth century, the spirit of rebellion for its own sake, the blanket condemnation of all establishment, the drive to harness the alienated, and the injection of violence into the forefront of political change regardless of cost.

There is so much wrong with that sentence that at least an entire issue of *The Nation* would be required for adequate refutation. One can only offer some observations.

Pike accuses 20th-century "nihilists" of relying on violence above all. On college campuses where students are accused of violence it is becoming commonplace to invite "the authorities" to deal with the situation. At Dartmouth, for instance, where sixty people occupied the administration building, several hundred police and National Guardsmen armed with guns and dogs were called in. Although weapons were unnecessary, the overkill was impressive. Similarly in Vietnam: the United States has now killed (not wounded) more than a million Vietnamese and laid waste the countryside. (See, for instance, "The Tombs of Ben Suc: Too Blind Stupid To See," *The Nation*, October 23, 1967.) What may be a "measured response" or "limited war" for us is total for the Vietnamese.

To continue for a moment on the inversion of values, the subject of refugees offers melancholy insights. Before the Tet offensive of 1968, the Senate's subcommittee on refugees estimated the existence of 4 million refugees, or about a third of South Vietnam's rural population. For several months this figure was denied or whittled down. Latterly, however, the "generation of refugees" has been turned into an advantage—for our side!

At a recent conference I heard an AID official describe with enthusiasm the new forms of agriculture now practiced by farmers who have "moved near the cities." Cash crops, he crowed, were enriching Vietnamese peasants. He looked only slightly ruffled when I reminded him that they had been forced from their chemically poisoned and bombed paddies by American air strikes and that the "cash crops" were of interest solely to the large American bases, contributing little to the diet of Vietnamese who now depend on hundreds of thousands of tons of American rice.

But the refugees are of more importance still to Roger Hilsman, ex-Assistant Secretary of State for Far Eastern Affairs, and Samuel Huntington, chairman of Government at Harvard.

In testimony to a Senate subcommittee on September 30, 1965, Hilsman acknowledged that the refugees owed their homelessness to "American bombings and shelling." But one must never look too long on the dark side: "It seems to me they offer a positive opportunity for furthering all effective counter-insurgency programs." Professor Huntington, expressing little regret, insists the refugees are a phenomenon to be proud of. Writing in *The Boston Globe* on September 17, 1968, he explained that driving the peasants off the land constituted an "American sponsored urban revolution [and] . . . undercut the Vietcong rural revolution. . . . While wartime urban prosperity hurt some, the mass of the poor people benefitted from it." The survivors of Ben Suc would probably be interested in hearing about those benefits.

But Huntington at least recognizes that this thing Pike calls "nihilism" is indeed a "Vietcong rural revolution." It is perfectly clear that the successes of the NLF must stem from more than "mobilization," from more than their military victories.

Since 1930, Vietnamese peasants have increasingly experienced acute land hunger. By 1950, according to surveys sponsored by Washington, 80 per cent of the Southern peasantry worked as tenants. As more peasants became tenants more land fell into the hands of absentee landlords until, as a Michigan State study stated (in 1959): "Where one percent of the owners held 36% of the total rice land in 1934, they now own 44% of the total." The NLF early initiated programs of land to the tiller. These programs contrasted with the American-sponsored "reforms" of Ngo Dinh Diem which actually reclaimed "liberated" land and charged the peasants back rent. John Montgomery, writing in the ultraconservative *Orbis* (Summer, 1968) defined the situation: "Any real crash program would be hotly resented in Saigon and it would be resisted locally by the province and district chiefs whose principal sources of support remain the landlords and other wealthy classes."

It is at this point that the frustration of landless peasants inevitably combines with the anti-foreignism which so astonished the French in the last decades of the 19th century. The NLF do not appear as a disloyal, nihilistic opposition to the South Vietnamese peasantry whose cause they have taken up.

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Devolution of a Revolution

SOCIALISM IN CUBA. *By Leo Huberman and Paul Sweezy. Monthly Review Press. 221 pp. $5.95.*

EMILE CAPOUYA

Mr. Capouya, a frequent Nation *contributor, is a free-lance writer and publishing consultant.*

In 1960, Paul Sweezy and the late Leo Huberman published *Cuba: Anatomy of a Revolution.* In that book, a sympathetic account of Cuba's history and prospects, they suggested that the newly established Castro regime was essentially Socialist in character. At that time their general conclusion was not widely shared. The traditional Marxist Left was inclined to regard Fidel Castro as an adventurer after the classic pattern of the *caudillo.* Liberal opinion tended to consider him a bourgeois reformer who aimed at transforming the semi-feudal character of Cuban society into something assimilable to the dominant welfare capitalism of the technologically advanced countries of the West, whose socialism, of course, is merely of the creeping variety. (That school of thought eventually came up with the charge that Fidel Castro had betrayed the Cuban Revolution, an indictment repeated by President Kennedy as the justification for the invasion of Cuba.) Finally, there was the view that our man in Havana had been replaced by a gangster and cutthroat who, what with expropriations of foreign assets and public trials of Batista officials, was violating the norms of civilized life.

Peace to those critics. Within a short time after the appearance of *Cuba: Anatomy of a Revolution,* Fidel Castro explicitly avowed the Socialist inspiration of his regime. More to the point, the decrees of the rebel government concerning land reform, wages, prices, and nationalization of basic sectors of the economy, amounted to a program of Socialist *dirigismo* that was clearly revolutionary rather than reformist. Mr. Sweezy and Mr. Huberman were vindicated as prophets. They might well have been accepted earlier as accurate reporters and analysts: their testimony could have been received the first time around. Paul Sweezy is possibly the most eminent Marxist economist in the West, and one of the best qualified writers on economics of any persuasion. As for Leo Huberman, his career as a popularizer of Marxist theory, as a humane and conscientious advocate of socialism, is sufficiently well known. Between them, they ought to have been able to recognize a Socialist revolution at close range, and so they did.

In their new book, the outstanding analytic talent and the fundamental political honesty of both authors are exhibited again. Ten chapters are devoted to a general review of the economic and social evolution of Cuba during the past decade. The authors show a singular ability to ask the proper questions of the data, so that the reader feels he has an adequate notion of the direction and bearing of the measures taken in Cuba, and of the achievements and shortcomings of the regime up to the present. The eleventh chapter is a most valuable critique of the oligarchical nature of the Cuban state. Coming as it does from sincere partisans of the Cuban Revolution who are also exceptionally well informed, the critique is bound to be of the greatest interest.

In ten chapters, then, Huberman and Sweezy describe the process of recasting the economy and social structure of an underdeveloped country in the peculiarly harsh conditions imposed by the American blockade and quarantine. At the time of the revolution, Cuba had a one-crop economy, administered for the profit chiefly of United States corporations. The country exported sugar to the United States, and imported virtually every item of subsistence or luxury consumed by its people. That system kept most Cubans hungry most of the time, ferociously hungry during the *tiempo muerto* between cane harvests.

As is usual in such cases, the poverty of the great mass of Cubans was balanced by the luxury and power of a handful of native businessmen and politicians, and by the relative affluence of the small fraction of the population that made up the country's middle class. With the revolution, the rich fled to wherever their bank accounts were, the middle class in large part felt forced to choose exile, and the United States decided to starve out the island by embargo and economic blockade. The revolutionary government had somehow to feed a nation that had never been economically self-sufficient—on the contrary, it was a textbook example of colonial dependency—and whose principal export had just lost its market. To complicate matters, per capita productivity, industrial and agricultural, was traditionally very low in Cuba, and the struggle for economic survival had to be waged in the face of the disaffection or exile of the class that had been the repository of its technical and managerial skills.

Very naturally, the Cuban Government turned first of all to a program of diversification in agriculture and industry in order to escape the crippling effects of a one-crop economy. It soon became clear, however, that the credits for investment and the foreign exchange required for importing the necessary tools and materials were simply not available in sufficient quantity. It would take years before the new crops and manufactures could begin to pay for themselves. Accordingly, the government reversed its policy, concentrating instead on the traditional source of foreign exchange, the sugar crop. The new policy was adopted as an emergency measure, designed to pay the costs of the social programs embarked upon by the government from the beginning—public health measures, the literacy campaign, wage legislation, housing construction—in the hope that the country might achieve solvency at a considerably higher level of consumption of goods and services than had obtained before the revolution.

Once the most pressing social needs had been met, the government could begin to direct investment toward the diversification that would increase social productivity over the long run. The authors of *Socialism in Cuba* provide a most interesting account of the evolution of that policy, together with an analysis of its economic and social consequences. It is in that connection that their sympathetic and conscientious critique of the Cuban Revolution as a social experiment becomes relevant to the general problem of reforming human institutions.

The authors believe that, given the limitations of Cuban manpower and investment, the optimum level of production for the island's sugar industry is in the neighborhood of 7 million tons. To achieve that figure at the present time requires an enormous and concentrated effort, ranging from mobilizing all the available manpower—including students and bureaucrats—for cutting cane, to allotting huge amounts of fue

ADONAI

At night
I run with wolves
in the dark snow
of mountain passes.

Thinking St. Paul
would have me do
what women wept for
what our lord fell to.

Running alone
against the beast
melting the snow
killing the tree.

GEORGE BOWERING

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and transport to the gathering and processing of the crop. Merely to achieve 7 million tons subjects the country to quite serious economic and social strains. Yet the Cuban Government has set a goal, for 1970, of 10 million tons, and made the achieving of that goal a test of its own fitness to rule.

In the opinion of Huberman and Sweezy, the economic costs of producing 3 million additional tons of sugar are exorbitant, and the social consequences —whether the government succeeds or fails in the attempt—are incalculable. In other words, the regime is exposing itself to an enormous political risk, and the Cubans to serious social disruption, for the sake of a goal that promises to cost more than it is worth in economic terms alone. At this point we confront the pathology of government in general, the arbitrary character of all programs dictated from on high, and the rigidities of uncontrolled bureaucracy.

The authors of *Socialism in Cuba* bend over backward to point out the pressures that have made it almost inevitable that the island's government become increasingly rigid and hostile to debate—the familiar pressures of war, inherited poverty and a low level of material and intellectual culture. Yet they are clearly appalled by the implication that Socialist revolutions in underdeveloped countries may all be fated to go through a period of economic and cultural vicissitudes that seriously compromises the possibility of pursuing the Socialist ideal.

Up to the time of Fidel Castro's overthrow of the Batista government, every Socialist revolution had indeed followed that course of devolution into narrow bureaucratic dictatorship. But Castro's "humanistic revolution," with its liberal manners and generous outlook, had promised something nearer to the heart's desire. The recent disappearance in Cuba of channels for expressing dissent, *even within the overall assumption of the necessity for social revolution*, looks very much like a tendency that is at bottom counterrevolutionary. Its significance is that reasonable criticism of a government program, such as Huberman and Sweezy's view of the 10-million-ton sugar goal, can find no voice in Cuba today. That is the condition that allows the typical diseases of the state to rage at their height. On this issue the authors' language is more decorous than mine, but the inference is there to be drawn.

The motive force of a genuine revolution is the talent and energy of the people, suddenly set free. Socialism has always acknowledged the fact theoretically; to the extent that it has succeeded, it has done so by acting on that principle with courage and imagination. The limits on the practical application of such an insight on the part of Socialist reformers and revolutionaries have been set in part by the historically determined nature of Socialist ideology. That is, socialism is itself a bourgeois doctrine, with an admixture of half-conscious distrust and disdain for the working class, a worship of certified expertise, and an unexamined faith in the virtues of certain forms of social organization that are more or less synonymous with bureaucracy. It is obvious that these tendencies reflect the self-serving instincts of an educated and otherwise privileged minority that habitually construes its political ideal in terms of the class experience that has shaped its social vision.

Now, the successes of the Cuban Revolution are the successes of a partially liberated people. Its achievements would be greater in proportion as the people came to enjoy the social initiative now monopolized by the ruling oligarchy. It is a very human failing to say thus far and no further to the forces of liberation, and at times the objective political realities may seem to dictate such a strategic halt. But the outcome is the loss of the revolutionary *élan*, which is no more than the energies of the people at work.

Time and circumstance may be more or less favorable to the adoption of the thoroughgoing libertarian program, but if there is a solution to the problem of achieving a civilized polity, it must always lie in the direct exercise of power by the people. The guiding principle is, act at once in the spirit of the ideal you mean to realize. That is a hard saying, certainly. But to seek liberation through coercion, in the traditional manner of political revolutions, is not really more convenient, and it is fatally self-limiting in terms of the goal it proposes.

Not the least important feature of this most valuable book is that it provides the justification, with its scrupulous account of Fidel Castro's revolution from a viewpoint not especially favorable to the anarchist perspective, for the very critique of political revolution that anarchists have traditionally offered. To the anarchist, politics is either the life of common action in its entirety, or else it is simply the customary misnomer for whatever narrow scheme of oppression governs men's relations in a given time at a given place. That critique may not be fully applicable, practically speaking, to the attempt to realize desirable social change in a milieu of the most severe technical and cultural deprivation. But the efficacy of Fidel Castro's intervention has been such that the Cuban people are now at a stage where they can think beyond the next meal, and they must be allowed to do so. Otherwise their leader may find that he has set the stage for another revolution, one that excludes his participation.

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Armies in the Night

THE RED ORCHESTRA. *By Gilles Perrault. Translated by Peter Wiles. Simon & Schuster. 512 pp. $6.95.*

JOHN GLIEDMAN
Mr. Gliedman is a graduate student in psychology at M.I.T. and is at present at work on a detective novel.

There are histories—Hannah Arendt's *Eichmann in Jerusalem* is one—which would be obscene if cast into the narrative form of *In Cold Blood* or *Lawrence and Oppenheimer*. There are others where the venture is less outrageous, but which nevertheless require great skill to carry off. Gilles Perrault's *The Red Orchestra* treads this fine line. A chronicle of the activities of Russian intelligence and its German antagonists in wartime Europe, it has all the verve and zest of a first-class spy novel. Its endless plots and counterplots—which are developed with consummate skill—dwarf the most luxuriant fancies of an Ambler or a Fleming. But the book is history, representing the fruits of some two years' research: it is about real people and events. And so, one must ask in all seriousness if *The Red Orchestra* is merely history reduced to a bon-bon, a confection aimed at exactly that taste for politics as adventure story which Godard excoriates in *Weekend*.

The answer, I believe, is no, but almost in spite of the author's efforts. For ultimately the material alters the method. Long before the end of the book, the reader is propelled into a world which smacks more of Koestler and Orwell than of even that master practitioner of the art of espionage, John Le Carré.

Like an expansive Russian novel, *The Red Orchestra* swarms with characters. None of them is presented in great depth; Mr. Perrault restricts himself to the role of raconteur rather than psychologist. But the portraits of the spies are real enough to create definite expectations about how they will hold up under the stress of their work, whether or not they will crack under torture. Characters in novels—even novels which attack the idea of character—are generally more consistent than people in life. "Whereas there may be, in the world, no such thing as character, since a man is what he does and chooses freely what he does," Frank Kermode observes, "in the novel there can be no just representation of this, for if a man were entirely free he might simply walk out of the story, and if he had no character we should not recognize him. This is true in spite of the claims of the doctrinaire *nouveau roman* school to have abolished character."

History is not so fettered; nor even the history-as-novel form. At times *The Red Orchestra* realizes the ideal of the *nouveau roman*. The expectations about character set up by Perrault the novelist are often smashed by Perrault the historian. Again and again the people in his narrative change in the most astounding and inexplicable ways.

After years of work, one of the leaders of the spy ring loses his nerve and does nothing for a year. Then the Nazis catch up with him and he tells them everything he knows in exchange for visits with his mistress. Later, one of his best agents—a prominent Communist leader in Weimar—cracks under torture and becomes a collaborator. In incredible contrast, a flamboyant South American playboy keeps silent during weeks of torture and dies a martyr.

None of these transmogrifications are more than noted in passing. But their cumulative effect is considerable. By the end of the narrative the spy novel has given way to something more like real life, a world in which the past counts for nothing not only because men are sometimes free to change but because they often react to impossible pressures in ways beyond their choosing and understanding.

Even those who die as heroes or survive without compromise do not fully escape this disorganization of character. Their fidelity becomes, in a way, as arbitrary as their comrades' betrayals. Fidelity seems more a miracle than an act of will. Indeed, the only people who demonstrate consistency are the Nazis in charge of breaking up the spy network. But these mini-Eichmanns—now living out their retirement in complacent, bureaucratic ease, complete with car, TV, and pension from the state—are merely footnotes to the larger drama.

Toward the end of Godard's *Weekend*, a sleek, fat pig is slaughtered. One man holds it while the other stuns it with a blow from a sledge hammer and then slits its throat. In a film filled to surfeit with illusions of violent death, this death is one of the few real ones. And the reaction to it—indignation, shock, perhaps anger at Godard for killing a pig just to make a thirty-second scene in a movie—momentarily exposes the sham of most fictional (and fictionalized) treatments of violence. They entertain only as long as we forget that they are true, or could have been true. There are no pigs in Perrault's narrative. But by the end of it, he has made us remember that these are real people. For a history which reads so much like a novel, this is a rather considerable achievement.

Repressed Consciousness

THE COLLECTED STORIES OF PETER TAYLOR. *Farrar, Straus & Giroux. 535 pp. $10.*

ROBERT K. MORRIS
Mr. Morris has written a critical study of Anthony Powell (University of Pittsburgh Press), and has finished a book about the contemporary British novel, to be published by Southern Illinois University Press.

These twenty-one stories span thirty years and reach into regions Peter Taylor has made his own. I mean not only Nashville and Memphis (where most of them are set), nor even the heart and mind of the upper South's middle class, but into a particular kind of sensibility: a sensibility encased in memories that have saddened or weakened it without having totally destroyed or done violence to it. If there is a unifying thread binding these unflawed, polished pieces it is how human fallibility is mirrored in the breakup of the old, genteel order which simply, but quite disastrously, has fallen apart. The stories are singularly Southern but universal too.

Taylor's style is natural, low-keyed, deceptively artless. His sense of milieu is unerring and his knowledge of people uncanny. Pure character plays against pure incident, yet one never overshadows or jolts the other. Eudora Welty's extraordinaries, Truman Capote's grotesques, or Flannery O'Connor's gothics articulate twisted nerve endings, show "the skull beneath the skin." Taylor's characters are flesh and blood, not beautiful losers but well-groomed, civilized, plain ones who have, for one reason or another, lost something of themselves somewhere along the way. Nostalgia, failure, loneliness, the pains of growing up, the inability to communicate or respond, the gulf between people—these are his themes. There is scarcely a story here which is not undercut with irony, even in the intensest moments of its poignancy and pathos; scarcely one in which outwardly simple surfaces do not dissolve into underlying psychological

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complexities; or one in which an encounter, a familiar occurrence, an all too human gesture does not bring insight or awareness.

In several stories such illumination comes in a flash; in others it filters through the drawn blinds of repressed consciousness or is only on the verge of quickening after the last word has been read. In "First Heat" (like many of Taylor's titles a literal and metaphorical pun) a politician lies nude and sweating in a stuffy hotel room, rationalizing his failure to support a bill after he had promised to, and seeing in a shattering moment "beyond mere nakedness of body and spirit" the "ultimate nakedness" of lost integrity and self-respect. "Dean of Men," a monologue spoken by a college president to his rebel son, reveals by almost imperceptible steps and shifts the ancestral flaw of character that has turned the narrator, his father, and his grandfather into objects of betrayal.

"Reservations" starts off with the initially comic predicament of a Nashville debutante and her parvenu bridegroom on their wedding night in a seedy hotel; as the story develops the couple passes through abuse and disillusionment into a reconciliation more frightful in its deception. "Silently they were toasting their own bliss and happiness, confident that it would never again be shadowed by the irrelevances of the different circumstances of their upbringings or by the possibly impure and selfish motives that had helped to bring them together."

This note of betrayal, echoing elsewhere in the collection, is muted when Taylor goes expressly after other things. "At the Drugstore," "Their Losses," and "Miss Leonora When Last Seen" are all superficially concerned with how the past has betrayed the present. But the "regret for lost opportunities," the nostalgia for "vanishing towns" and the "atmosphere of a prosperous civilized existence," the painful dwelling on "the old days, the old days" are barriers to awareness and understanding.

Taylor shows charity, warmth, patience for those who fall back on what can no longer be real in order to avoid confronting what is. Yet such people can only survive as anachronisms, as victims of their own ambiguity. Escape into the past is crippling and deadening (the imagery of "Their Losses"); one must engage the present, "escape into reality"—even if, as in "At the Drugstore," it leads a man visiting his home town after many years into intimations of mortality; leads the middle-aged professor of "*Je Suis Perdu*" into acknowledging "that he was no longer *going to be* this or that. He *was*"; or leads "an old bachelor brother" in "Heads of Houses" into realizing he "was without any life of his own."

That last phrase could serve as an epigraph to what for me is Taylor's best story. In "A Wife of Nashville" betrayal again leads to understanding, but Helen Ruth awakens not only to herself but to a sense of the other. Her servants (who come in succession, stay on for varying periods of time, yet always find some pretext for leaving) are fluid symbols for the continuing deception she practices upon herself. Their passion to make a life of their own contrasts with Helen Ruth's dependency on her husband and children and her feelings of separation, lack of involvement, loneliness. Their crude, transparent, inexpert lies are counterparts to her one great and dreadful lie—that of her happiness.

"A Wife of Nashville" is about the problem of lonely women in middle age. Revelation comes inevitably, if slowly, to a consciousness gradually opening through the years. The story shows how the gulf between people can be bridged through learning "that everything that happened in life only demonstrated in some way the lonesomeness that people felt"; it shows that invented strengths are as precarious and delicate as innate weaknesses. Happiness may be an illusion; betrayal may be a constant reality. Yet Taylor's stories are finally neither bleak nor pessimistic. Understanding brings his characters to illumination and their first real hope.

POEM

The only peaches I see
are already packaged at some A&P :the tree
recluse, sits by my desk :both

waiting for my voice, Is that you, Simon?
shaking the leaves and draws :my clutch

won't close :a claw
charred from that black varnish
:too much darkness dried my hand :hunchbacked

I lean my other fingers, try
to knock! one hand
still alive, like an axe
nails the other up, up
rips at that dark sky
still burning with the hand I never closed.

SIMON PERCHIK

ART / Lawrence Alloway

Happenings, of all art forms, are dependent on a photographic record, if the fugitive actions are not to be confined to the participants' memories. Claes Oldenburg's season of Happenings, 1961-62, the last of the classic first wave, was filmed by Raymond Saroff and will be screened by the Museum of Modern Art (date not set) during the run of Oldenburg's current exhibition. The filmic record is essential to supplement Oldenburg's scenarios (published by the Something Else Press). Peter Moore has photographed with remarkable patience almost everything in the way of Happenings, events and environments through the sixties; as a result, his archives are crucial to a study of the occasional aspects of recent American art. A shift in the forms of visual art, toward the ephemeral and the diffuse, has created a storage problem. Paintings and sculptures persist as objects, but an art of performance and problematic thresholds leaves no original body and can be preserved only in record form. Warehouses and libraries supplement galleries.

Allan Kaprow's "Days Off, A Calendar of Happenings" is a case in point of the uses of documentation. The calendar consists of inscriptions and photographs (including some by Peter Moore) of ten Happenings, all but one of them enacted last year (the exception, "Moving," dates from 1967). When a new Happening is scheduled there is an announcement like: "Those interested in participating should attend a talk by Mr. Kaprow at the Campus Center Cafeteria, the State University of New York at Albany," or wherever it may be. The kind of Happening that Kaprow produces now is to-

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tally unlike Oldenburg's more-or-less theatrical form. Kaprow says he "selects and combines situations to be participated-in, rather than watched." The experience of the participants and their memories are the aesthetic constituents of what Kaprow calls "the Activity Happening." The calendar perpetuates such occasions, though a calendar is, in function, expendable and the paper here looks it.

Kaprow describes the publication thus: "This is a calendar of past events. The days on it are the days of the Happenings. They were days off. People played." The kinds of activity are mostly physical and nonreflective; it is not that the action cannot be thought about but that this phase is postponed until the act, for example, of unrolling a mile of tar paper, has been performed. Here are the complete instructions for "Shape": "Shoes, bodies on streets, sidewalks, fields. Spray painting their silhouettes. Reports and photos in newspapers." One Happening called "Transfer" is dedicated to Christo, presumably because the activity here consists of rearranging and resiting metal barrels, objects which Christo used as material for art in Paris in 1961.

Documentation cannot transmit the zeal of the agents, but it brings out an aspect of Happenings which is often lost sight of, or is not known, by the original participants (except for Kaprow). Taking part in a Happening must include individual boredom, facetiousness and uncertainty, but the visual trace, the documentation, has another value. The activities in Kaprow's recent pieces have to do with labor (diverting water, moving furniture), monument building ("triumphal" stacks of barrels, walls of ice), the imprinting of human tracks, as in "Shape," and memorializing the gesture of sitting, for instance, with chairs carried around outdoors and instant Polaroid snapshots of each stop left *in situ*. Kaprow's early Happenings were overtly mythological; now the games concern the body in action and its occupancy of space, a kind of playful human engineering. The calendar, memorializing one of Kaprow's most brilliant periods as a Happenings master, is itself an object of tough grace, with a profusion of grainy, factual and enigmatic photographs. It is obtainable for $2.37 including postage from the Museum of Modern Art (it was commissioned by the Junior Council) and the original collages of photographs, laconic scenarios and dates are on view through October at John Gibson Commissions, Inc., 27 East 67 Street.

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1. Sales Through Dealers and Carriers, Street Vendors and Counter Sales	3,340	3,110
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Carey McWilliams, President & Treasurer

It is not usual for Mr. Gibson to show original collages, even collages compiled of documents. He specializes in projects rather than completed works, and also with the records of works that by their nature cannot be seen easily, or at all. Through November, for example, he will be showing scale models, collages and photographs of Christo's "Packed Coast," a million feet of Australian coast line which is to be packaged this month. At the Museum of Modern Art, through November, two of Gibson's artists are presenting "A Report: Two Ocean Projects," a show which places transient art works by Dennis Oppenheim and Peter Hutchinson in an underwater environment. (One of Oppenheim's pieces consists of a square of salt, the dissolution of which he recorded.) Earthworks (Oceanworks?) because of their inaccessibility, like Happenings because of their once-only status, exist only briefly in terms of discrete originals. Thus documentation is essential to disclose and to chart their occurrence.

The expanded role of documentation has become an essential element in the definition of art. It is an extension of the area of artistic control, and it brings new information to an old argument about the relation of originals to reproductions. Works of art consist of both unique and translatable elements. Some things resist reproduction (the interplay of scale and facture in a painting, the collective *élan* of a Happening crowd) and can be experienced only in the presence of the work itself; but other information can be transmitted by reproductions. Many iconographic, formal and intentional aspects of art survive in reproduction. Norbert Wiener in *The Human Use of Human Beings* (the book that should be read in place of its cheap derivative, Marshall McLuhan's *Understanding Media*) has this to say on the subject: "Cultivated taste may be built up by a

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man who has never seen an original of a great work and . . . by far the greater part of the aesthetic appeal of an artistic creation is transmitted in . . . reproductions."

The only reservation one might have is that reproductions are read best by those who know *some* originals, though not necessarily the ones being reproduced. Wiener's slight overstatement, however, is preferable to the exclusive praise of the uniqueness of originals at the expense of all translations. The unreproducible parts of a work are frequently secondary refinements. It is certain that Breughel communicates to people who have not been to the Kunsthistorisches Museum in Vienna. Kaprow's calendar could convey more to a reader than some participants could be expected to derive from a performance. The expertise everyone has developed in reading modern reproductive processes impinges at this point on what Walter Benjamin called the "aura" of the original. In fact, documentary reproduction can be the only route of access for some art. Current uses of reproduction as a constituent of art make creative play out of everybody's familiarity with mass communications.

FILM FESTIVAL II

Harold Clurman

One of the more engaging exhibits at the New York Film Festival this year was *Mandabi* (*The Money Order*), directed by Ousmane Sembène, who is said to be a famous novelist. It is the first African film I have seen.

Its background—the city of Dakar—has the fascination of all towns in which Western civilization imposes its benefits and their attendant scars on a quasi-primitive people still living in age-old habit. The languages spoken are the native Senegalese and French, those higher in the social scale speaking the foreign tongue.

Mandabi is a tale of simple folk caught in the complexities of an industrially developed environment. Two worlds mingle without either absorbing the other. The result is both colorful and painful, though the pain appears to be mitigated by the warmth which emanates from an essentially innocent and wholesome population deeply rooted in the loam of basic human needs, instincts and desires.

Deing, the film's central personage, is a good-natured, lazy, impoverished man who, being Moslem, is blessed with two adoring "slave" wives. They feed him abundantly and serve him so that he may always find himself comfortable. How they manage this despite their husband's impecunious idleness remains a mystery.

One day a nephew who works in Paris at menial jobs sends Deing a mail order for 20,000 francs with the request that Deing take a part of it for himself, but that the bulk of it be deposited in a bank for safekeeping till the nephew's return. But Deing never gets to cash the money order: he hasn't a card of identity or a birth certificate, and is obliged to run from one official bureau to another to obtain them.

Meanwhile, his wives buy things they need on credit—this includes water—while neighbors and relatives, having heard of the money order, borrow coin and goods from the women. Deing is cheated right and left and finally is robbed of the funds due him by a French-speaking cousin. At the end he cries out helplessly, "Are there no honest people in Dakar?"

The only ray of hope shines at this juncture through new faces who gather about Deing, affirming, "We—all of us together—will turn Dakar honest, make it clean." The note is sounded in a minor key, more aspiration than protest: it has a wistful resonance. One feels that Deing will have to suffer the indignity of his situation for a long time.

Color becomes this film. That is not true in most cases. Almost all major film productions nowadays are, for commercial reasons, shot in color. More often than not the film hues are not color at all, merely pigmentation. It lends faces an unnatural rubescence, lacking true delicacy of tone and subtlety of shading, as if they had been illuminated by a luxuriant neon god.

Color adds little to *Pierre and Paul*, a French film directed by Rene Allio, who was responsible for a better picture, *The Shameless Old Lady*. The theme is the crushing effect of the costly gadgets that are the pride and bane of our consumer society. A hazardous affluence beguiles Pierre, the foreman of a construction company, into the purchase of every electric gewgaw which he considers a perquisite of the good life. The expenditure of time and money involved in acquiring these knickknacks overwhelms him, driving him to impotence and near madness.

This theme is becoming prevalent (Godard has dealt with it in several of his recent improvisations); it is part of the overall malaise which feeds current radical trends. "Progress" is making nervous wrecks of us. One of the things in the picture which also struck me was that when Pierre recalls the gentle pleasures of his father's day the scenes of the past are rendered in black and white, giving them a special softness.

The oppressive weight of the business world is the subject of Ermanno Olmi's *One Fine Day*. His previous black and white films, *Il Posto* (*The Job*) and *The Fiancés*, were superior to the present one. But here too Olmi is marked by an honest sobriety of intention and statement which is to be cherished in a medium whose practitioners lean toward the obviously eye-catching, the sensational.

Color, though modestly employed, does Olmi a disservice. The merits of his film, however, should not be overlooked. His faces are not conventional film faces. The acting is subdued; feeling is conveyed without histrionic stress. One is in the presence of life as it normally manifests itself, one observes people quietly experiencing their daily travail. Olmi does not preach or promise alleviation: he records. The scenes which picture sales conferences and a new brand of boxed food are projected with humor that eschews caricature.

With all this what does Olmi say? The serious and ambitious businessman ends wearied unto death, a lover and husband less inspired than his youthful employees who have themselves become disaffected from the mercantile machine in which they are willy-nilly enmeshed. Worse still, the former chief of the advertising agency around which the story is woven, having decided to retire after a heart attack, finds himself desolate because nothing has prepared him to enjoy what

IT IS

The smell of enlightenment
Meaning:
I have been there
Before
And brought nothing
Back.

It's a continuity tape
Of the harbor and the bridge
And my life walking past.

In your true and terrible form,
Angel of this world.

HARVEY SHAPIRO

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he knows is there to be enjoyed—a free and easy life. The film fails only in that it does not achieve sufficient poignancy. But this too may be Olmi's plan. He does not aim at pathos—only at blank truth.

Pier Paolo Pasolini is another Italian film maker who wants to say something. A certain murky religiosity combined with revolutionary impulses often confuse his pictures and public. This is less true in his latest effort, *Pigpen*, than in his previous *Theorem*, but the result is not altogether sound.

It offers a parallel between scenes of cannibalism and rapine among the starved of the Middle Ages with the rapacity of the wealthy in modern states of which West Germany is representative. That the scale of accusation is intended to be wider than the one country is indicated by the disabled and porcine lord of a palatial manor who sports the ribbon of the French Legion of Honor. The whole capitalist world is the target of Pasolini's obloquy.

Hitler was a recognizable monster; the masters of the new Germany whom Pasolini indicts are neither obedient nor disobedient, neither aggressive nor benign: they are slobs. The wealthy of the older generation who managed to retain their possessions by lying low under the Fascist regime and who now increase them, still have cultural pretensions (chamber music fills the sterile solitude of the millionaire's mansion), while the later Nazis who now trade in buttons and cannon are coldly corrupt technicians, totally unconcerned with anything but contraptions that produce money. Despite their ostensible antagonism these two factions form a partnership in the post-bellum upsurge.

The younger generation, nourished neither by the ancestral grandeur nor by the largely verbal rebelliousness of the leftists, dwell in a sort of coma, interrupted only by wallowing in the recently replenished pigsties of the estate. Such gentry will ultimately be devoured by the pigs—which is what happens to a nearly catatonic youth, the son of the elder mogul of the film. Compared to him, Pasolini finds the hungry medieval savage who murders and eats the flesh of his victims something like a mystically heroic figure. The majestic background in excellent color gives the picture an epic quality.

Robert Bresson, like Olmi an uncompromising master, is not at his best in color. The morose understatement of his film demands black and white shadows. *A Gentle Creature* (*Une Femme Douce*) tells of a rather mute, poor and repressed girl who is taken over by the owner of an apparently prosperous pawnshop, taken over, that is, in a marriage the girl does not desire but to which she succumbs because of her poverty, her lack of will, and the insistent appetite of the young bourgeois who through marriage will own her.

Perhaps Bresson chose an extraordinarily pretty former model to play the girl because her lack of acting ability makes her all the more the inert prey of the consuming male whose jealousy and failure to offer true contact beyond the frolic of the bed ultimately drive her to suicide. The young husband narrates the story of their relationship with some evidence of sorrow but hardly any of understanding. Such marriages—they are legion—erode sensibility and thus become sheer destruction. But unlike Bresson's other pictures this one suffers somewhat from the frigid obtuseness it depicts. We recognize and assent to the "message," but are barely stirred by it.

In *The Ritual* Ingmar Bergman once again presents a fiercely incisive parable, in a mode somewhere between naturalism and Expressionism, in which artists, no matter how corrupt they may be, are, humanly speaking, the superiors of repressive officialdom. The four actors—two of them members of the well-known Bergman "team"—are all excellent, the black and white photography sharply to the point. Though the emotional range of the picture is narrow, the piece holds and hurts. But I never come away from a Bergman film—except for his *Smiles of a Summer Night*—without wondering, though not complaining, why sex is never conveyed as anything but anguish, and why indeed there is so little delight in love-making in most Swedish films.

I regret missing *My Night at Maude's*, said by many to be provocative, in which a lady ready for love discusses Pascal because the man she hopes to seduce insists on that intellectual exercise. There were some other films I wish I had missed. As for *Oh, What a Lovely War*, I leave it to Robert Hatch: it deserves more than the little space I would be able to give it at this point.

Next week—back to the theatre.

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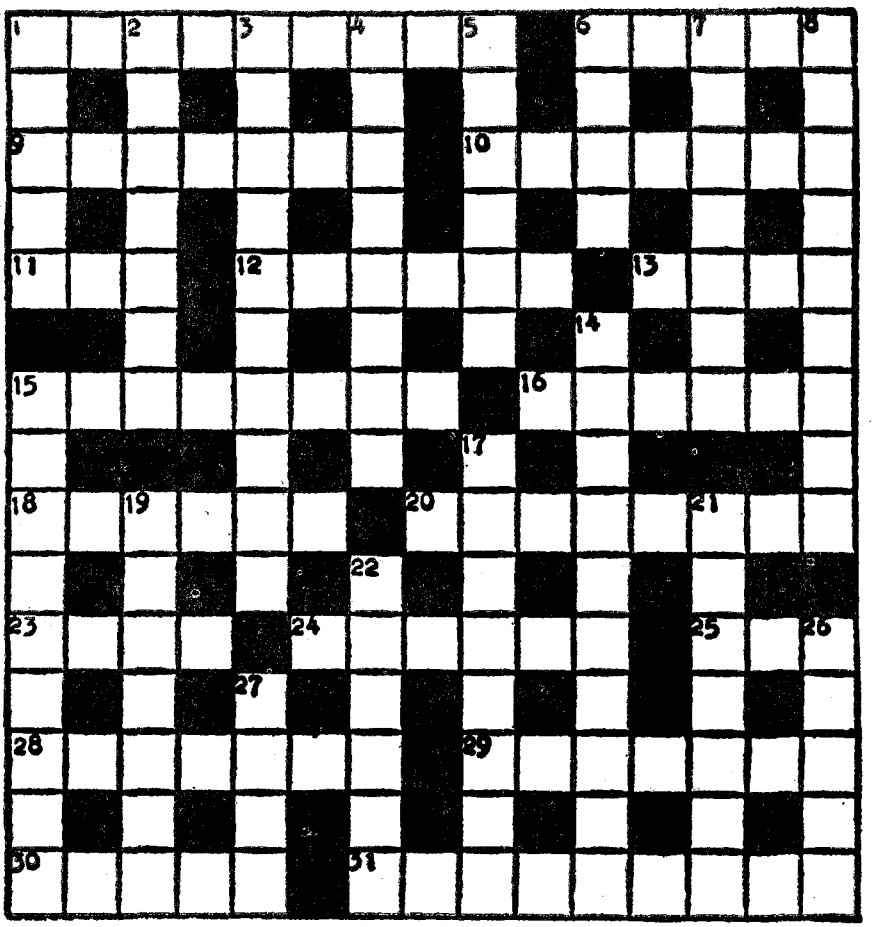
Crossword Puzzle No. 1317

FRANK W. LEWIS



ACROSS

1 Like the climes of Byron's night. (9)
6 General accord? (5)
9 A proposition about quiet offered by a Greek poet. (7)
10 One of the simplest instruments of the autocar in America. (7)
11 One might slip on one at 26. (3)
12 One that closely resembles Quasimodo, possibly. (6)
13 See 23 across
15 Indian chief mentioned in prose narrative additionally. (8)
16 Wild acres east of the ridge. (6)
18 Declining to be an errant being, and be inside by the sound of it. (6)
20 Leaves to take a degree, and on direction. (8)
23, 24, 25 and 13 across At one time in the vicinity of such as 26? (Central orbiters might have given such directions.) (4,6,3,4)
28 March in such a state? Terrifying! (7)
29 Double description of order at some eating places? (4-3)
30 Observed one of the Kennedy tribe is missing, evidently. (5)
31 Avoids a possibly fateful day in the proceedings. (9)

DOWN

1 Dove into them in full dress, it sounds! (5)
2 The gap of p to Q4, possibly. (7)
3 and 5 A French district supplies Macy's and Gimbel's perhaps. (10,6)
4 In or otherwise around the castle? (8)
5 See 3 down
6 Possibly first, second, or third tackle? (4)
7 Were his remarks the 2 type? (3,4)
8 A monorail isn't exactly so vast. (9)
14 Big fists commonly found in noble surroundings? (5,5)
15 Both female and male can bring up a poor horse in the city. (9)
17 Carried off a duet with the first four letters out of order. (8)
19 One might the car in the garage, or abandon the project. (4,3)
21 Defeat at the polls. (7)
22 Sounds as though a little oil is needed. (6)
26 and 13 One might resort to it in the Rockies. (5,4)
27 Well this is what some cheese it! (4)

SOLUTION TO PUZZLE No. 1316

ACROSS: 4 and 1 down Sight for sore eyes; 11 Ill-bred; 12 Ethan; 15 Easel; 17 Campaign; 21 Show-down; 23 Lydia; 26 Robes; 29 Uncle; 30 Notably; 31 Arbutus; 32 Entering; 33 Inures. DOWN: 2 Conches; 3 Edwin; 6 Hello; 7 Firedog; 8 Riders; 9 and 25 El Rancho Grande; 16, 13 and 14 Law and order; 18 Money-mad; 19, 28 and 1 across All-day sucker; 20 Caresses; 22 Habitat; 24 Decatur; 27 Sober; 28 Doyen; 29 and 10 Urban renewal.

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